

# OECS PROTECTED AREAS AND ASSOCIATED LIVELIHOODS PROJECT



***“The OECS Policy on Protected Areas Systems”***  
***And “The OECS Model Protected Areas System Act”***  
**Institutional Arrangements for Protected Areas Management**

## **FINAL REPORT**

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Organisation of Eastern Caribbean States

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## **I. Introduction**

On October 5, 2007 the Organization of East Caribbean States Environment and Sustainable Development Unit (OECS – ESDU) hired Professor John Knechtle as a consultant to address one component of the OECS Protected Areas and Associated Livelihoods (OPAAL) Project. This component consists of drafting a framework/harmonized policy document or legislative instrument which creates an appropriate institutional arrangement for protected areas management. The role of this component within the larger OPAAL Project picture is discussed below in Section II.

During the month of October the consultant obtained as many reports, laws and other materials relevant to the project as he could collect. Lloyd Gardner's Reviews of the Policy, Legal and Institutional Frameworks Reports for each member state, were invaluable and constituted the foundation upon which this consultancy was built. Laws were more difficult to procure so most were obtained during the country visits from various sources, primarily the government printeries. Prior to country visits, the consultant sent out a questionnaire to those with whom he sought interviews. Prior experience had revealed the benefit of interviewees knowing the types of questions they would be asked prior to the actual interview. It also allowed those not available to be interviewed to later submit written answers to the questions.

From November 12 – 17, 2007 The consultant visited Grenada and St. Vincent and the Grenadines. During this visit he interviewed government officials in the various ministries dealing with protected areas, private practitioners, community groups, and environmental NGOs (See Appendices 11 & 13). He sought and reviewed relevant documentation on national legislation, regulations, policies and institutional arrangements as these related to the development and management of Protected Areas (See Appendices 5 & 8). Work within these countries was facilitated by the National Implementation Coordinating Entities (NICES) for OPAAL, particularly through the work of the National Project Coordinators (NPCs).

From December 3 – 8, 2007 the consultant visited Antigua and Barbuda as well as St. Lucia. He met and interviewed government officials in the various ministries dealing with protected areas, private practitioners, community groups, and environmental NGOs (See Appendices 10 & 12.). Again he sought and reviewed relevant documentation on national legislation, policies and institutional arrangements as these related to the development and management of Protected Areas (PAs). Work within these countries was facilitated by the National Implementation Coordinating Entities (NICES) for OPAAL, particularly through the work of the National Project Coordinators (NPCs). The documentation included environmental legislation, regulations and various reports dealing with protected areas (See Appendices 4 & 7).

The consultant then drafted a framework protected areas law which was delivered to the OECS ESDU on January 21, 2008. He also emailed this draft out to many of the individuals with whom he had met with during his country visits, for feedback. The

OECS – ESDU then hosted a regional workshop in St. Lucia to discuss the draft framework law on February 12 and 13, 2008. For list of workshop participants, see Appendix 14. During the workshop in St. Lucia representatives from the member states provided detailed feedback on the draft law. Based on this feedback the consultant finalized the *OECS Model Protected Areas System Act* (See pages 18 - 51).

Another recommendation from this workshop was for the consultant to draft a policy document on protected areas. The consultant drafted the *OECS Policy on Protected Areas Systems* and delivered it to the OECS ESDU for feedback. Based on that feedback, he revised the policy which is included in this report (See pages 13 – 17).

## **II. Background**

The OECS OPAAL Project consists of three components. The first component seeks to establish more effective institutional frameworks for conservation management through providing a critical focus on the legal and institutional frameworks to facilitate protected area establishment and management. This first component seeks to adopt a harmonized approach to the creation and management of protected areas (PA) in the OECS region Protected Area. There are three sub-components within this first project component: (i) policy, legal and institutional arrangements reform; (ii) updating/preparing new national protected areas system plans; and (iii) supporting studies. This report and consultancy is part of subsection i of this first component.

The second component of the OPAAL Project focuses on establishing and enhancing protected areas. Six sites have been selected and designated as OPAAL sites for which support is given to conduct baseline studies of environmental and socioeconomic resources of sites as well as sustainable livelihoods, development of management plans, and micro-financing at the early stage.

The third component focuses on training, capacity-building and awareness. Training will be conducted not only at the OPAAL sites but elsewhere in all countries; training modules will be developed for protected areas management and livelihoods support; and plans will be developed for each country in the areas of knowledge, awareness and capacity.

## **III. Legal and Institutional Challenges in Protected Areas Management**

There are many legal and institutional challenges facing the member states in managing their protected areas, many of which could not be addressed in a framework protected areas policy and law. However being mindful of those challenges impacted how the framework policy and law were drafted. The consultant discussed these challenges with the various individuals he interviewed.

One of the consultant's goals was to propose a draft policy and law which had a realistic chance of being adopted and implemented. Thus, a deep understanding of the legal and institutional challenges that interfere with protected areas management was

key to addressing those obstacles and achieving this goal. Time will reveal whether this goal was achieved.

The following are some key legal and institutional challenges facing member states in managing protected areas:

**A. Absence of a National Protected Areas System**

Although elements of the following exist within governmental units, none of the OECS member states have a legally-established national protected areas system that integrates management and planning for all of the nations' protected areas. As a result, the following do not exist: national goals and priorities for protected areas upon which a national strategy can be developed; management categories and guidelines; criteria and process for site selection and site planning; a coordinated approach to protected areas management including co-management; compliance and enforcement strategy; clearinghouse of protected areas information; and reporting requirements to the government, OECS and the public.

**B. Lack of Coordination Among Institutions Managing Protected Areas**

Management structure is fragmented across multiple government agencies, ministries, and other entities with little coordination and no clear line of authority for overall management. Though the names vary slightly, the following government units work directly or indirectly with protected areas in member states: Department of Fisheries, Forestry Department, Ministry of Agriculture, Parks and Beaches Authority, National Trust, Ministry of Tourism, Central Planning, Development Control Authority, Ministry of the Environment, Advisory Committees, Crown Lands Department, Attorney General's Office, Ministry of Legal Affairs, and Ministry of Finance.

Because management of protected areas depends upon collaboration between and among these many governmental units, and where there is a co-management relationship, with entities outside the government, institutional responsibility for protected areas is dispersed among a number of institutions. The absence of a clear overall management structure for national protected areas is one of the most obvious deficiencies.

**C. Lack of Financial and Human Resources**

Government units responsible for protected areas suffer from a lack of financial resources. In one member state the Forestry Ministry's budget was cut so severely that there is only one forestry officer for the whole country. When a government considers budgets cuts, agencies dealing with protected areas can become prime candidates if there is the prospect of some outside

funding available for that ministry or unit, regardless of the chances of acquiring or the sufficiency of that outside source of funding.

The lack of financial resources, particularly when coupled with a lack of political support, also impacts retention of the few well-trained natural resource managers in the OECS. In Grenada, the Forest Ministry has such well-trained and motivated employees that it could serve as a model for the region and even train the trainers. However the lack of political support and financial commitment have greatly limited its ability to achieve its substantial potential. Such well-trained experts in forestry are in demand outside the government and in other countries and the exodus has already begun. In light of the serious need for such experts in the member states, this situation is of great concern.

A common problem stemming from lack of financial resources is the absence of official markers designating the boundaries of protected areas. Uncertainty about the extent and boundaries of protected areas because of the vague manner in which these were defined in the governing laws, is largely due to lack of funding to pay for land surveys. These lands were never surveyed or demarcated and land records in these member states, particularly historical records of grants and leases of Crown land, are generally so poor that the protected areas cannot be defined accurately. This has led to encroachment into these areas and the alienation of some lands for development.

Lack of resources impacts the absence of legislation and regulations. Legislation and regulations are written by individuals who are trained drafts persons. They obtain the necessary information from the applicable ministry and then draft the law or regulation. However these drafts persons are in short supply and make more money leaving government and working as independent contractors. With few draft persons in government, which laws or regulations are written becomes a highly competitive and therefore political matter. Hiring outside consultants takes financial resources, which ministries dealing with protected areas often do not have.

The lack of support for protected areas may also reflect a failure to appreciate the role that protected areas play in the generation of revenue through tourism. Neglect of protected areas can harm the tourism industry.

#### **D. Absence of or Conflicting Legislation**

Key environmental legislation has not been adopted by OECS member states. For example, St. Lucia does not have a framework environmental law. This deficiency impacts all environmental management, including protected areas.

In some cases, the protection afforded under older laws to protected areas designated in the region is limited. In Sanctuaries created under the wildlife



laws, habitat is often not protected although specific fauna species, usually birds and animals considered ground game, are. Likewise the reservation of forests sometimes does not preclude the extraction of timber or fuel wood from those areas. This insufficiency has led to the enactment of layers of laws to cover the relevant subject-matter needed to manage protected areas. For example, the area within the Tobago Cays National Park in St. Vincent and the Grenadines was designated as a Forest Reserve, Wildlife Reserve, and Marine Reserve under three different statutes, pending enactment of legislation providing for the creation of National Parks.

In other cases new legislation has been enacted without conforming to or amending existing laws, leading to redundancy and overlap. This was observed in the Project Appraisal Document<sup>1</sup> as well as by our team. In Antigua and Barbuda, for example, the 1972 Marine Areas (Preservation and Enhancement) Act provides for the designation of restricted areas, including adjacent land, if this appears necessary for the protection of the natural beauty or resources of marine areas. In addition, under the 1983 Fisheries Act, which is based on the FAO-OECS model fisheries legislation, any area of Antigua and Barbuda waters and any adjacent land may be declared as a marine reserve for the purpose of protecting its flora and fauna and the natural habitat, or for promoting scientific research. Regulations have been made for the implementation of both Acts and three restricted areas – Diamond and Saltfish Tail reefs in Antigua and Palaster reef in Barbuda – have been declared under the former Act; while one Marine Reserve – Cades Bay – has been designated under the latter Act.<sup>2</sup> These overlapping laws are administered by the same agency.

A framework protected areas law must fill in gaps in existing legislation and create a framework to resolve jurisdictional conflicts.

#### **E. Lack of Regulations Implementing Current Legislation**

In a number of member states, although legislation was adopted, no regulations were enacted to implement the legislation. This situation has left many pieces of environmental legislation largely dormant. As mentioned above, one of the causes for this absence of regulations is the lack of financial resources; another is their lower political priority.

#### **F. Lack of Enforcement**

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<sup>1</sup> Appraisal OECS Protected Areas and Associated Livelihoods Project, Project Document, <http://www.oecs.org/esdu/documents/PAD-P073267.pdf> last visited 12/20/07.

<sup>2</sup> Id at 119.

### **1. Legal or Other Framework in Place**

Many environmental laws, including those addressing protected areas, have never been implemented by the promulgation of rules and regulations. If they have not been implemented, of course they cannot be effectively enforced. Another problem is that many of the laws that control activities in protected areas do not specify procedures for enforcement and so enforcement procedures are borrowed from other authorities or are ad hoc.

### **2. Enforcement Authority**

In some instances, ministries have not been given the authority to enforce the laws regulating protected areas. They must call the police or some other law enforcement entity even to halt a violation. This results in a loss of time and inconsistency because the police are not always able to respond in a timely manner, due to other responsibilities. This process wastes the already limited time of agency staff and police and results in inconsistent and ineffective enforcement?

In addition, even in cases where agencies have the authority to halt violations or the power of arrest, they must coordinate with legal staff from outside the agency to pursue prosecutions. This can be problematic due to differing institutional priorities, which is again exacerbated by limited resources.

### **3. Institutional Capacity to Enforce**

Due to the lack of human resources, enforcement suffers for want of sufficient personnel to enforce the law. While agency staff and even the general public, when they are educated about protected area laws, can identify violations, and agency staff can establish evidence for a prosecution and sometimes even lay charges, prosecution requires legal staff. Not only is there a lack of human resources, but also a limited pool of persons with professional and technical training and experience in protected areas management. None of the resource agencies have legal staff so they must rely on staff from the legal department or Attorney General's office. As a result of competing demands on the public purse, the funding, facilities and equipment available to the agencies responsible for performing legal functions is inadequate. Given these deficiencies, the relevant agencies do not have the institutional capacity to enforce the existing laws effectively.

In one member state, the Office of Public Prosecutor had three attorneys to handle all state prosecutions. As one might guess, more

serious violent crimes committed on persons were a higher priority than crimes committed on the environmental.

#### **IV. OECS Policy on Protected Areas Systems**

The purpose of the *OECS Policy on Protected Areas Systems* (See pages 13 - 17) is to provide member states with a policy document outlining the international obligations, vision, goals, objectives and principles of a common policy regarding the management of protected areas. It is a precursor to adopting a Protected Areas System Act and as such, provides the overall direction for the Act.

#### **V. OECS Model Protected Areas System Act**

The *OECS Model Protected Areas System Act* (See pages 18 – 51) is a model law. It is not intended for adoption wholesale but is a proposal for a system for managing protected areas that can be fit into existing legal and institutional structures in OECS member countries.

In a few places within the model law, more than one option is delineated to show different possible approaches to the particular issue. This also shows the flexibility in the model law to meet the specific needs of the individual member states.

#### **VI. Lessons Learned**

The process the consultant went through was very important for making sure that the proposal addressed the identified needs and was palatable to the stakeholders. First gathering as much information as possible, followed by interviews with a cross-section of stakeholders, gave the consultant the chance to form ideas but also to bounce ideas off of those who would be working within the proposed new structure. Then, it was necessary to go back and figure out how to present the concept in light of other research, other legal structures, etc. Most crucially, the opportunity to present the Model Act to the stakeholders in a more complete form through the Workshop enabled the consultant to make sure that it accurately reflected their needs and was feasible. It also provided the opportunity to persuade the stakeholders of the proposed changes and get their buy-in. This necessarily entailed overcoming the natural reaction of "that's not how we do it here." It was important to understand whether something has to work a certain way for a particular legal, financial, or managerial reason or just because that is what people are used to. Although "comfort zones" shouldn't be unnecessarily disturbed, unaddressed problems can only be solved by changing current approaches.

Although not necessary, it might have been useful to have some kind of meeting/review process earlier on in the drafting process. This would have

enabled us to realize that a policy was desired as well as a law and would have resulted in more efficient work.

Another lesson learned is that perhaps we should not have initially presented our idea to the stakeholders in the form of a law (or perhaps the group should not have included drafters at that point) because there was a fair amount of distraction caused by concern about drafting issues that took away some from the substance of the proposal. Nonetheless, we overcame that hurdle and even went on to have a legislative drafter from Grenada review the final draft.

## **OECS Policy on Protected Areas Systems**

### **The Member States,**

**Being guided by** the St. George's Declaration of Principles for Environmental Sustainability in the Organisation of Eastern Caribbean States (OECS), otherwise known as the SGD;

**Mindful of** Goal 3 of the SGD commits Member States to “[d]evelop, adopt[], and monitor[] the implementation of comprehensive national policies and strategies...addressing...protected area management.”

**Aware of** the relevant provisions of the Convention on Biological Diversity (CBD); Convention on the Conservation of Migratory Species of Wild Animals (CMS); Convention on Wetlands of International Importance especially as Waterfowl Habitat (RAMSAR); Convention concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention); the 1983 Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region; the 1990 Protocol Concerning Specially Protected Areas and Wildlife in the Wider Caribbean; the 1994 Barbados Programme of Action for the Sustainable Development of Small Island Developing States (BPoA); the 2002 Johannesburg Declaration on Sustainable Development, the Plan of Implementation of the World Summit on Sustainable Development; the 2005 Mauritius Strategy for the Implementation of the Barbados Programme of Action; United Nations General Assembly Resolutions 59/230, Promoting an integrated management approach to the Caribbean Sea area in the context of sustainable development of 22 December 2004; 61/197, Towards the sustainable development of the Caribbean Sea for present and future generations of 9 February 2007; and, 62/215 on Oceans and Law of the Sea of 22 December 2007.

**Conscious of** the challenges facing Member States to manage the sustainable use of their protected areas; the absence of a national protected areas system; inadequacy of inter-sectoral collaboration in protected areas management; lack of appropriate overarching legal framework; inadequacy of monitoring and enforcement capacity; and weak institutional capacity to develop and regulate protected areas;

Have agreed as follows:

### **Vision:**

The vision that inspires the adoption of an OECS protected areas system policy and law is the following: Member States cooperating and collaborating in the conservation, management, and sustainable use of marine and land based protected areas, with the overall aim of fostering equitable and sustainable improvement in the quality of life in the OECS region.

## **Goals**

- (A) The goals under this OECS Protected Areas Policy are to establish sustainable and democratic national protected areas systems;
- (B) To support the long-term growth and sustainable development of OECS Member States in business, tourism, recreation, education, and scientific research; and
- (C) To provide for the sustainability of biodiversity, culture, livelihoods, heritage, watershed protection and other ecosystem services.

## **Objectives:**

The objectives of the OECS Protected Areas Policy are:

- (A) To ensure the long-term viability of tourism as a significant and growing sector in the economy and which depends on a healthy and attractive natural environment, including beaches, landscapes, and heritage attractions;
- (B) To conserve the environmental quality and productivity of the coastal zone—both of which are essential to health, fisheries, tourism, and recreation.
- (C) To conserve all critical habitats necessary for the maintenance of animal and plant species;
- (D) To conserve representative elements of natural and cultural heritage;
- (E) To ensure the maintenance of the country's water supply;
- (F) To sustain productivity and quality of critical ecosystems, particularly in relation to forestry, fisheries, and tourism;
- (G) To stimulate the rational use of limited resources and the restoration of degraded lands;
- (H) To encourage research, knowledge and understanding of the natural and cultural heritage of the country;
- (I) To provide natural and cultural places for recreation, enjoyment, and inspiration;
- (J) Through forest conservation, to protect the watershed areas ensuring the water supply for domestic consumption, agriculture, industry, and tourism;

- (K) To conserve the long-term viability and environmental quality of marine areas under national jurisdiction;
- (L) To protect wilderness areas;
- (M) To facilitate the implementation of the requirements, goals, and aims of applicable international agreements including the multi-lateral environmental agreements to which OECS Member States are members that strongly encourage, and the St. George's Declaration which calls for, the establishment of a protected areas system;
- (N) To follow 'soft law' instruments such as declarations, guidelines, and standards;
- (O) To assist in the mitigation of natural and anthropogenic disasters;
- (P) To prepare for and respond to the impacts of climate change, such as sea-level rise, by restoring and conserving ecosystems so that these resources are as resilient as possible;
- (Q) To create a coordinating body which will periodically establish objectives and priorities for the protected areas system; classify, reclassify, and declassify protected areas; establish guidelines for management plans and reporting requirements; and facilitate compliance and enforcement, funding mechanisms, and regional cooperation.
- (R) To guide the sustainable physical and infrastructural development of areas within the Protected Areas System in a manner that will ensure the protection and sustainable use of the natural and cultural resources, and secure the enjoyment/use for future generations; and
- (S) To recognize protected areas as an integral element of national planning and development.

### **Fundamental Principles**

The following fundamental principles will guide the application of the OECS Policy on Protected Areas Systems:

1. The process of developing and implementing a protected areas system should be consultative, representative, and participatory. Stakeholders at all levels should be identified and included.
2. Underlying the development of the OECS Protected Areas Policy are an integrated approach to system design, a collaborative and transparent approach to management, and science-based decision-making.

3. Because biological systems are best managed as a whole, management of an integrated Protected Area system within a Member State will streamline process and improve the results of management actions. Decisions will be made in a coordinated and rational way as part of a national system.
4. Management of protected areas requires harmonization of protected areas systems beyond national borders. Ecosystems do not follow political boundaries and thus impacts of management decisions in one Member State frequently can impact other States.
5. A collaborative approach to management is particularly relevant for small, developing island countries where many pressures compete for limited natural, human, and financial resources.
6. Successful implementation of the Policy for protected areas management depends on cooperation and collaboration among institutions and individuals. Collaboration and participation is required so that the various entities feel ownership and responsibility for the success of the system.
7. Public participation fulfills unmet management goals, resolves conflicts, and aids in recognizing and meeting a wide range of needs. Community participation helps to address the challenges presented by “paper parks” for which no real management system exists.
8. Transparency is a crucial element for the good governance of protected areas. Government decision-making process and the information relied-upon is to be available to the public in order to build trust in the institutions and encourage cooperation and compliance.
9. While the coordination of a range of government and public actors is necessary for the success of the system, specific management decisions require technical considerations determined by those with the appropriate technical background.
10. Maintaining management authority with resource agencies reflects the capacity and effective structures that these agencies already have for PA management. The coordinating body will serve to support existing capacities and further enhance capacities of agencies and other entities responsible for aspects of protected area management.
11. Decisions made by the resource agencies regarding protected areas must be based on sound science and reflect appropriate international standards in effective protected areas management.
12. In cases where all scientific information is not available, the precautionary principle should be applied. When there is an unknown but potentially large and irreversible risk associated with a proposed action, the proponent of the action has the burden of



proof to show that the action is in the public interest. The absence of adequate scientific information should not be used as a reason for postponing or failing to take management measures to conserve and protect protected areas and the resources they harbor including target species and habitat, and ecosystem services.

13. Protection of wilderness is especially important in light of the multitude of pressures facing the limited natural areas on the small islands of the OECS nations. While the system protects a range of types of protected areas, undisturbed areas have a particular value—for existing biodiversity needs and for unforeseeable future ecological or social needs.
14. The management of Protected Areas and the Protected Areas System is integrated into and informed by the national development planning process. Protected Areas Systems also perform an integral role in national sustainable development.
15. Conservation is an indispensable requirement for equitable and sustainable development. Natural and cultural resources are the capital upon which a country's development can be built, and this is particularly true in the context of OECS countries where economies are largely based on the use of natural resources. Maintenance and enhancement of that capital – soils, forests, and landscapes—are indispensable if development is to be achieved and sustained.
16. Natural features such as forests, wetlands, and coral reefs are crucial to buffering land from storm damage which can be particularly damaging to small islands.
17. It is the obligation of human society to respect life in all its forms, to appreciate the cultural legacy of earlier ages, and to assume its responsibility toward future generations. The onus is on present generations who aspire to a higher quality of life and seek to sustainably meet a number of needs, beginning with the essential requirements of food, shelter, health, and education.

# OECS Model<sup>3</sup> Protected Areas System Act

## Country

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No. xx of 200x

## ARRANGEMENT OF SECTIONS

### PART I

#### PRELIMINARY

#### *Arrangement of Sections*

1. Short title and commencement.
2. Interpretation.
3. Act binds the [State/Government].
4. Objects and purposes of the Act.

### PART II

#### ADMINISTRATION

5. Establishment of the Protected Areas Coordinating Body.
6. Structure and membership of the Protected Areas Coordinating Body.
7. Powers of the Protected Areas Coordinating Body.
8. Management Authority.

### PART III

#### PROTECTED AREAS SYSTEM

9. Establishment of protected areas system.
10. Categories.
11. Classification and reclassification of protected areas.
12. Declassification of protected areas.
13. Public participation.
14. Collaborative management.
15. Concessions.
16. Coordination.
17. National protected areas system planning.
18. Protected areas management planning.
19. Compliance and enforcement.
20. Financial matters.
21. Consultation and reporting.
22. Regional cooperation.

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<sup>3</sup> This document is a model law. It is not intended for adoption wholesale but is a proposal for a system for managing protected areas that can be fit into existing legal and institutional structures in OECS member countries.

PART IV  
MANAGEMENT PLANNING

- 23. Plans required.
- 24. Planning procedure.
- 25. Coordination.
- 26. Plan criteria.
- 27. Annual operational plans.

PART V  
DEVELOPMENT

- 28. Criteria.
- 29. Coordination.

PART VI  
MISCELLANEOUS

- 30. Repeal and transition.

Schedules

- |                    |   |
|--------------------|---|
| First Schedule --  | Protected Areas Coordinating Body Meeting and Voting Requirements |
| Second Schedule -- | Protected Areas Categories  |
| Third Schedule --  | Cooperative Protected Areas                                       |

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**AN ACT** to establish a national protected areas system, provide for the management of the protected areas from a systems approach, provide for appropriate coordination between protected areas authorities and other sectors, countries, or international bodies, and related matters.

**BE IT ENACTED** by [Country] as follows –

## **PART I**

### **PRELIMINARY**

#### **Short Title and Commencement**

1. This Act may be cited as the Protected Areas System Act, 200x.

#### **Interpretation**

2. In this Act, unless the context otherwise requires –

“adverse possession” means the acquisition of title to land through obvious occupancy of the land, while claiming ownership for the period of years set by the law of the state where the property exists;

“biological diversity” means the variability among living organisms from all sources including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part and also includes diversity within species, between species, and of ecosystems;

“biological resources” includes genetic resources, organisms or parts thereof, populations, or any other biotic component of ecosystems with actual or potential use or value for humanity;

“buffer zones” are geographical areas next to protected areas where specific levels and intensities of human activities and conservation are proscribed, typically through zoning, for the purpose of ensuring the integrity of the protected area;

“business plan” means the information relating to and method for accomplishing actions relating to the customer base, goods and services, marketing strategy and implementation strategy for the protected area, which in turn contribute to the *financial plan* for the protected area;

“Cabinet” means the Cabinet of Ministers of Government;

“CARICOM” means the Caribbean Community and Common Market;

“collaborative management” includes any legal arrangement approved by the Body whereby a non-government actor is committed to managing or participating in the management of a protected area;

“Body” means the Protected Areas Coordinating Body established at Section 5;

“community-based organization” means an entity comprised primarily of community members and not including any government officials, representing the interests of that community;

“concession” means a private enterprise operating within a protected area;

“conservation” includes preservation, protection, management, rehabilitation, improvement, restoration, and sustainable use;

“conservation status” means the sum of the influences acting on a species that may affect its long-term distribution and abundance;

“cooperative protected area” means private land managed as a protected area for a period of years pursuant to an agreement with the Minister with jurisdiction over the Protected Areas Coordinating Body;

“corridors” are ecological features, such as rivers or streams, landscapes with small forests, or hedgerows, which link protected areas to each other to allow species to bypass barriers that would otherwise represent clear threats to them;

“cultural heritage” includes monuments, architectural works, elements or structures of an archaeological nature, buildings, works of people or the combined works of nature and people that are of outstanding universal value from a historical, aesthetic, ethnological or anthropological perspective;

“endemic” means restricted or peculiar to a locality or region, i.e. an *endemic* species;

“financial plan” means a component of an overall business plan, which in turn is one element of a management plan for the protected area;

“habitat” means a place where a species or ecological community naturally occurs;

“implantation” means the establishment studies, land acquisition, and demarcation necessary to establish a new protected area;

“local authority” means sub-national administrative structures distinct from the national administration which are responsible for the interests of the population of an identified geographic area;

“local community” means a group of people who have a long association with lands and waters that they traditionally lived on or used;

“major decision” means any choice regarding protected areas, whether to establish a new protected area, declassify a protected area, change the management category of a protected area, permit a development or a concession by a private interest in the protected area, establish any standards, procedures or criteria, or any other action determined by the Body to be a major decision;

“Management Authority” means the government agency with primary jurisdiction over a particular protected area or category of protected areas;

“management plan” means a document that sets out the management approach, objectives, and priorities, together with a framework for decisionmaking, to apply in a protected area over a given period of time, in furtherance of national protected areas system objectives and priorities, adopted in accordance with the requirements of this Act;

“marine” means open water, water column, islands, and the seabed;

“migratory species” means the entire population or any geographically separate part of the population of any species or lower taxon of wild animals, a significant proportion of whose members cyclically and predictably cross one or more national jurisdictional boundaries;

“Minister” means the head of the Ministry within which the Protected Areas Coordinating Body is situated;

“multilateral environmental agreement (MEA)” means an agreement between two or more States governing the management of aspects of natural resources or the environment;

“natural heritage” includes natural features consisting of physical and biological formations, geological or physiological formations, areas which constitute the habitat of threatened or endemic species of wildlife, and natural sites of outstanding universal value from the point of view of science, conservation, or natural beauty;

“OECS” means Organisation of Eastern Caribbean States;

“non-governmental organization (NGO)” means as an independent voluntary association of people acting together on a continuous basis, for some common purpose, other than achieving government office, making money, or illegal activities;

“physical plan” means a plan showing the manner in which land may be used (whether by carrying out of development or otherwise) and the stages by which such development may be carried out;

“population” means a group of animals or plants belonging to the same species or subspecies which is geographically separate from other groups belonging to the same species or subspecies;

“precautionary principle” means that when there is an unknown but potentially large and irreversible risk associated with a proposed action, the proponent of the action has the burden of proof to show that the action is in the public interest;

“prescription” means the method of acquiring an easement upon another's real property by continued and regular use without permission of the property owner for the period of years required by the law of [Country];

“protected area” means an area of land or sea especially dedicated to the protection and maintenance of biological diversity, and the natural and associated cultural resources, managed through legal or other means;

“Protected Areas Coordinating Body (Body)” means the intersectoral body established by this Act with responsibility for establishment and management of protected areas in [Country];

“protected areas system” means a total reserve system covering the full range of ecosystems and communities found in a particular country managed as an integrated system;

“public interest” means the welfare or the well-being of the general population of [Country];

“regular meeting” means a meeting of the Body called by the chair on a scheduled basis;

“special meeting” means an unscheduled meeting called by the chair or at least one-third of the membership of the Body;

“species” includes any subspecies, variety, form or geographically separate population, whether wild or domesticated, of any species; and

“sustainable use” means the use of biological resources in such a way and at a rate that—

- (a) will not lead to the resource’s long-term decline;
- (b) will not disrupt the ecological integrity of the ecosystem in which the resource occurs; and
- (c) will ensure the resource’s continued use to meet the needs of present and future generations.

### **Act Binds the State.**

3. This Act binds the [State/Government].

## **Objects and Purposes of the Act**

4. (1) The objects and purposes of this Act are to:
  - (A) support the long-term growth and sustainable development of [Country] in business, tourism, recreation, education, and scientific research;
  - (B) provide for the sustainability of biodiversity, culture, livelihoods, heritage, watershed protection and other ecosystem services;
  - (C) protect wilderness areas;
  - (D) facilitate the implementation of the requirements, goals, and aims of applicable international agreements;
  - (E) assist in the mitigation of natural and anthropogenic disasters; and
  - (F) prepare for and respond to the impacts of climate change.
- (2) This Act shall be given such broad and liberal construction in order that its objects and purposes shall be obtained.

## **PART II**

### **ADMINISTRATION**

#### **Establishment of the Protected Areas Coordinating Body.**

5. (1) Parliament hereby creates a Protected Areas Coordinating Body [Body] with responsibility for establishment and to facilitate management of the protected areas system of [Country] for the purposes of this Act.
  - (2) Parliament shall locate the Body and its secretariat within an appropriate ministry in [Country] with a staff of at least two.
- [Optional] (3) The enumerated government administrative units and other enumerated organizations shall appoint their representatives within one calendar year of the passage of this Act.

#### **Structure and Membership of the Protected Areas Coordinating Body.**

6. (1) The Body shall be representative of stakeholders interested in all aspects of protected areas.



- (2) Body members prescribed by this Act shall have voting rights unless otherwise specified [optional] pursuant to Section 6.
- (3) [option #1] The permanent secretaries of eight of the government administrative units enumerated below shall each select one board member, director, deputy, or technical staff, to serve in his or her capacity as a representative for his or her government administrative unit as a member of the Body:

[option #2] The Minister shall appoint Body members selected by eight of the government administrative units listed below to serve in their representative capacity within one calendar year:

[option #3] The Minister shall appoint eight of the chief technical officers of the following government administrative units to the Body:

[option #4] Parliament may chose to select which eight government units to include when passing this Act.

- (a) agriculture;
- (b) environment;
- (c) forestry;
- (d) fisheries;
- (e) finance;
- (f) law enforcement (police or DPP);
- (g) oceans;
- (h) parks;
- (i) tourism;
- (j) cultural heritage;
- (k) physical planning;
- (l) economic planning; and
- (m) legal department (the Attorney General's office or the ministry of legal affairs).

- (4) The Body shall select organizations in each of the following areas to each select one representative to serve in his or her representative capacity as a member on the Body:

- (a) two community-based or non-governmental organizations;
- (b) one organization representing local industries that depends on extracting resources from protected areas; and
- (c) one business organization, such as the chamber of commerce.

- (5) The chair of any intergovernmental body established or the individual appointed to coordinate implementation of MEAs in [Country] shall be a member of the Body.
- (6) The Minister shall have the discretion to expand public participation as appropriate and determine if such additional community representatives will be voting or non-voting members.
- (7) The Secretariat will publish the names of the members appointed to the Body in the *Gazette*, in at least one national newspaper of general circulation, and on at least one national radio and one national television station.
- (8) Members shall serve for a term of three years and may serve a maximum of three consecutive terms.
- (9) In the first year of the operation of the Body one-third of the members shall hold a one-year term, one-third shall hold a two-year term, and one-third shall hold a three-year term.
- (10) Each member or his or her designate must attend 75% of all meetings in a calendar year or may be removed by a majority of the voting members of the Body.

**Powers of the Protected Areas Coordinating Body.**

- 7. (1) The Body shall establish procedures and standards governing the protected areas system in [Country] including:
  - (a) administration of the Body beyond what is described in this Act;
  - (b) establishment of the protected areas system;
  - (c) selection criteria and management objectives for the categories of protected areas described in the Second Schedule;
  - (d) establishment of new protected areas;
  - (e) reclassification of protected areas;
  - (f) amending the boundaries of protected areas;
  - (g) declassification of protected areas;
  - (h) ten-year system planning process;

- (i) protected areas management planning process;
  - (j) collaborative management;
  - (k) cooperative protected areas;
  - (l) compliance and enforcement;
  - (m) financial management; and
  - (n) consultation and reporting.
- (2) The Body may appoint or hire contractors as it considers necessary to fulfill any of its duties enumerated within this Act.

**Management Authority.**

8. (1) A Management Authority is the agency with primary jurisdiction over a particular protected area or category of protected areas.
- (2) A Management Authority has responsibility for:
- (a) proposing classification, reclassification, declassification, and revision of boundaries of specific protected areas;
  - (b) management planning for the protected areas within its jurisdiction including development of collaborative management arrangements;
  - (c) implementation of management plans for the protected areas within its jurisdiction;
  - (d) compliance and enforcement for the protected areas within its jurisdiction;
  - (e) annual reporting to the Body on progress and evaluation of implementation of annual operating plans, financial operations, the status of compliance and enforcement, and any other matters the Body requires; and
  - (f) other tasks as are necessary to effectively manage a particular protected area.

### **PART III**

#### **PROTECTED AREAS SYSTEM**

##### **Establishment of Protected Areas System.**

9. (1) The Body shall facilitate the establishment and effective management of a protected areas system according to such procedures as the Body establishes, incorporating the principles of transparency, public participation, adaptive management, and the precautionary approach, and which is representative of all the sectors of society of [Country].
- (2) The Body shall develop and define:
  - (a) the rationale for the protected areas system;
  - (b) the objectives of the protected areas system; and
  - (c) the priorities for the protected areas system.
- (3) The Body shall coordinate the production of 1:24,000 scale maps, or the substantial equivalent, of each established protected area showing each area's:
  - (a) physical location;
  - (b) management classification; and
  - (c) current zoning or uses.
- (4) The Body shall coordinate and ensure the production of a 1:650,000 scale map, or the substantial equivalent, of the protected areas system showing all protected areas in [Country].

##### **Categories.**

10. (1) Protected areas in [Country] are classified into the categories enumerated in the Second Schedule.
- (2) The Body shall classify all existing protected areas into the categories listed in the Second Schedule, below, taking into consideration how existing classifications relate to the protected area category definitions in this Act, objectives for management, and any guidelines for selection the Body adopts.

- (3) The Body shall establish which government unit or units will be the Management Authority with primary jurisdiction over each protected area or category of protected area, consistent with the existing legal framework of [Country].

#### **Classification and Reclassification of Protected Areas.**

11. (1) The Body shall consider proposals for declaration or reclassification of a protected area submitted by any person or institution, including the Body or a Body member.
- (2) The Body may assist a person or institution submitting a proposal either declaring a new protected area or reclassifying a protected area so that the proposal meets the standards for evaluation of Section 11(3), below.
- (3) A proposal for the declaration or reclassification of a protected area must include:
  - (a) a physical survey, a resource inventory, and a description of the area including size and boundaries and results of field studies;
  - (b) a justification for establishment or reclassification of the area and the category of protection proposed, including an evaluation of the costs and benefits of establishing or reclassifying the site and how the proposal contributes to the representativeness of the system in terms of the objectives and priorities for the system;
  - (c) a brief explanation of whether the protected area is of sufficient size to achieve its objectives;
  - (d) a brief explanation of whether a buffer zone or corridor is needed around or near the protected area;
  - (e) a brief explanation of how the proposal relates to biodiversity conservation on national, regional, and international levels;
  - (f) a brief explanation of how the proposal relates to other aspects of national planning;
  - (g) a brief explanation of how local communities may be affected by establishment and administration or reclassification of the area;
  - (h) a brief explanation of how the proposed new or reclassified protected area will be implemented, managed, and financed;

- (i) a basic socioeconomic impact survey and assessment on the community within and near the proposed protected area;
  - (j) a report describing any collaboration to date with local authorities and local communities in determining the boundaries and category of the area proposed for declaration or reclassification;
  - (k) a compilation of comments received from local authorities and citizens concerning the proposed declaration or reclassification of the protected area and the category of protection to be declared; and
  - (l) a description of any compensatory measures that may be required as a result of establishment of the area.
- (4) The Body shall solicit comments and seek consultation regarding any proposal under this Section and for this purpose shall:
- (a) publish the proposal in the *Gazette* and publicize notice of the proposal in at least one national newspaper of general circulation and at least one national radio station and one national television station;
  - (b) send a copy of the proposal to the agencies represented on the Body;
  - (c) consult with local and national communities that are likely to be affected by the declaration;
  - (d) after a period of not less than sixty days from the date of publication, the Management Authority shall advertise and hold at least one public meeting to discuss the proposal and invite oral or written feedback; and
  - (e) within ninety days after the distribution of the draft, the Management Authority shall compile, make public, and take into account any comments which have been received, and revise the proposal as appropriate.
- (5) Both the Body and the Management Authority shall make a recommendation to the Minister regarding the proposal.
- (6) The Minister shall make a decision regarding the declaration of the proposed classification within sixty days of finalizing the proposal and shall publish a proclamation or denial with a statement of the reasons for the decision in the

*Gazette*, at least one newspaper of national distribution, and at least one national radio and one national television station.

- (7) A declaration of a new protected area shall include a delineation of the boundaries, and buffer zone and corridor where applicable, by latitude and longitude sufficient to be mapped at a 1:24,000 scale or the substantial equivalent.
- (8) The government shall not grant, devise, or sell property within a protected area.
- (9) No person or entity may acquire a right in, title to, or interest in any land within a protected area system by prescription or adverse possession.
- (10) A protected area declaration has the force of law.

**Declassification.**

- 12. (1) The Parliament shall be responsible for determining whether to accept proposals for the declassification of protected areas.
- (2) Only the Management Authority shall propose declassification of protected areas.
- (3) Any proposal for declassifying a protected area shall be prepared by the Management Authority and shall include:
  - (a) justification for declassifying the protected area, which includes a description of the reasons for the proposal, considering ecological impacts and environmental services;
  - (b) how the proposal for declassification affects the system as a whole;
  - (c) an environmental and socioeconomic assessment that describes the impacts of declassifying the protected area on the ecosystems, species, and local communities affected by the declassification;
  - (d) a description of any mitigation measures that may need to be taken as a result of declassifying the protected area;
  - (e) an explanation of how the proposal relates to other aspects of protected areas and national planning;
  - (f) an explanation of how the proposal affects biodiversity on the regional, national, and international levels; and

- (g) a compilation of comments from local authorities and citizens concerning the proposed declassification.
- (4) Neither neglect of nor impact of national disaster on a protected area are justification for its declassification.
- (5) The Body shall solicit comments regarding any proposal under this Section and for this purpose shall:
  - (a) publish the proposal in the *Gazette* and publicize notice of the proposal in at least one national newspaper of general circulation, one national radio, and one national television station;
  - (b) send a copy of the proposal to the agencies represented on the Body;
  - (c) consult with local and national communities that are likely to be affected by the declassification;
  - (d) after a period of not less than sixty days from the date of publication, the Management Authority shall hold at least one public consultation to discuss the proposed declassification; and
  - (e) within ninety days after the distribution of the draft, the Body or the Management Authority shall take into account any comments which have been received, and revise the proposal as appropriate.
- (6) The Parliament shall make a decision regarding the declaration of the proposed declassification within 60 days of revising the proposal and shall publish a proclamation or denial with a statement of the reasons for the decision in the *Gazette*, one newspaper of national circulation, and one national radio and one national television station.
- (7) A protected area declassification shall have the force of law.

**Public Participation.**

- 13. (1) Public participation is a critical component of the protected areas system of [Country].
- (2) Any information gathered or relied upon by the Body or the Management Authorities in reference to protected areas shall be made available to the public to read and copy, with the exception of confidential business information.



- (3) The Body and the Management Authorities shall respond to requests for existing information within 20 business days.

### **Collaborative Management.**

- 14. (1) The Management Authority shall be responsible for establishing and overseeing collaborative management agreements.
- (2) The Body shall develop and the Minister shall approve standard criteria for agreements authorizing collaborative management agreements.
- (3) Groups participating in collaborative management shall report annually in writing on the status of the protected area and management to the Body.

### **Concessions.**

- 15. (1) Any concession in a protected area shall operate pursuant to an agreement with the Management Authority.
- (2) The Body shall establish standards and a process for accepting concession agreements and establishing concessions, permitting fees, and term limits for various types of activities.
- (3) Concession proposals will be accepted through a transparent competitive bidding process.
- (4) Any concession proposals submitted to the Management Authority whether accepted or rejected will be available to the public.
- (5) Any benefits from any concession that are retained by the protected area, such as fees or rents, shall be preserved in the budget of the protected area where the concession operates unless the concession operates in more than one area, in which case the benefits shall be shared among the protected areas where the concession operates pursuant to terms in the concession agreement.

### **Coordination.**

- 16. (1) The Body shall coordinate its activities with other government institutions having jurisdiction over or relating to protected areas.
- (2) The Body shall coordinate its activities with:
  - (a) the ministry with responsibility for strategic environmental impact analysis (SEIA) to ensure compliance with SEIA requirements, or equivalent, if any;

- (b) the ministry with responsibility for establishment and maintenance of the National Environmental Information System, or equivalent, if any;
- (c) ministries with responsibility for sectors related to protected areas such as marine resources or relevant MEAs; and
- (d) other countries that may affect or be affected by protected areas decisionmaking.

### **National Protected Area System Planning.**

- 17. (1) The Body shall establish an integrated national protected areas system planning process coordinated with any existing national planning process to include:
  - (a) National protected areas planning; and
  - (b) Individual protected area management planning.
- (2) The national plan sets the strategic direction for individual protected areas management plans and shall have the force of law.
- (3) Within the first year that the Body is constituted and every ten years thereafter, the Body shall prepare a national protected areas system plan reflecting national planning priorities that will:
  - (a) identify ten-year national objectives for the protected areas system;
  - (b) identify national priorities for and gaps in the protected areas system;
  - (c) identify and prioritize the capacity needs among Management Authorities; and
  - (d) integrate MEA commitments and obligations, including those belonging to national implementation requirements, into the national plan.
- (4) The Body shall establish a procedure, initiated with a stakeholder analysis, for promulgating and finalizing the national protected areas system plan by selecting a regional standard model and incorporating a public participation process.

### **Protected Areas Management Planning.**

18. (1) The Body shall ensure that Management Authorities develop and implement management plans and annual operational plans for each protected area.
- (2) Management plans shall reflect national objectives and priorities and shall be updated as necessary and in any case at least every ten years.
- (3) The Body shall establish a management plan template, standards, and guidelines, for protected areas in [Country] by selecting regional models with standardized units.
- (4) The Management Authorities shall develop and implement management plans and annual operational plans for each protected area as detailed in Part IV of this Act.
- (5) The Body shall establish standards and processes for topics to be included in management plans, including:
  - (a) site development;
  - (b) planning and zoning;
  - (c) environmental impact assessment;
  - (d) public participation, notice, and comment;
  - (e) determination and periodic evaluation of baseline information;
  - (f) education and training of protected area managers, staff, and the public;
  - (g) selection, monitoring, and evaluation of collaborative management arrangements and elements of management agreements;
  - (h) compliance procedures and evaluation;
  - (i) required reports and;
  - (j) business management, including a fee structure where feasible.
- (6) The Body shall establish an annual operational plan template, standards, and guidelines.

### **Compliance and Enforcement.**

19. (1) The Body shall be responsible for facilitating compliance and enforcement in protected areas.
- (2) The Body shall develop an overall compliance and enforcement strategy and make recommendations to the Minister as appropriate, addressing the:
  - (a) offenses which shall constitute violations of this Act or the management plans which fall under its authority;
  - (b) role of the public and community groups in reporting violations and collecting evidence;
  - (c) role of agency staff (rangers, officers, and agency heads) in reporting violations, collecting evidence, laying charges, and prosecuting the case (i.e. recommending remedies);
  - (d) role of police, coast guard, marine police, and police prosecutors;
  - (e) role of public prosecutor, attorney general, and ministry of legal affairs;
  - (f) procedures for disposition of non-compliant developments or concessions; and
  - (g) applicable remedies, including civil and criminal sanctions and injunctive relief, stop work orders, site restoration and fines.
- (3) Management Authorities are required to effectively implement and enforce regulations and prohibitions in protected areas.
- (4) Any member of the public, a community organization, or a government entity may file a complaint against the Body or a Management Authority or its delegate for non-compliance with the provisions of this Act, management plans, or standards and procedures established by the Body, in a court of summary jurisdiction.
- (5) The Body shall periodically review and report on Management Authorities' progress in developing regulations and enforcement strategies and implementing them.

#### **Financial Matters.**

20. (1) The Body shall facilitate funding mechanisms and relationships for protected areas and Management Authorities.

- (2) The Body shall establish standards and procedures for creation and management of protected areas funds.
- (3) The Body shall oversee the management and use of protected areas funds.
- (4) The Body shall establish methods for each protected area to receive and use fees, donations, and other sources of income.
- (5) The Body shall make all financial mechanisms and processes transparent.

### **Consultation and Reporting.**

- 21. (1) The Body shall prepare protected area system reports annually to comply with the provisions of this Section.
- (2) The Body shall provide the report to Parliament, the Cabinet, and the secretariats of CARICOM and the OECS.
- (3) The Body shall make the reports available to the public by publication in the *Gazette*, by publication in at least one national newspaper of general circulation, on at least on national radio and one national television station, and upon request by any person, though it may charge a reasonable fee for photocopying.
- (4) The Body shall include in annual reports:
  - (a) any proposals and decisions to create new protected areas;
  - (b) any proposals and decisions to reclassify, declassify, or amend protected areas;
  - (c) progress in meeting the government's commitments under agreements to which [Country] is a party;
  - (d) an evaluation, at least every five years, of the implementation of management plans, status of compliance and enforcement in each protected area;
  - (e) future directions for improving management of the protected areas and the protected areas system;
  - (f) a summary of all evaluations done by the Body; and
  - (g) any recommendations to the minister on how to improve protected areas management in [Country].

- (5) The Body shall also prepare and provide to the above-described institutions reports on:
  - (a) any projects proposed for protected areas that meet the standard for triggering environmental impact assessment requirements; and
  - (b) decisions that may have significant environmental, economic, or social impacts on other OECS member states.

### **Regional Cooperation**

- 22. (1) The Minister may enter into arrangements or agreements with other countries in the OECS region or with any competent regional organization, providing for:
  - (a) the harmonization of systems for the collecting of statistics, and the carrying out of surveys and procedures for assessing the state of the protected areas resources;
  - (b) the harmonization of planning procedures in respect of protected areas;
  - (c) the taking of joint harmonized enforcement measures in respect of contravention of protected areas laws in the region;
  - (d) such other cooperative measures as appropriate.

## **PART IV**

### **MANAGEMENT PLANNING**

#### **Plans Required.**

- 23. (1) Each Management Authority shall implement national protected area system objectives and priorities through management plans prepared for each protected area.
- (2) Approved plans shall have the force of law.

#### **Planning Procedure.**

- 24. (1) In accordance with guidelines established by the Body, each Management Authority shall draft a management plan for each protected area subject to its jurisdiction, including buffer zones and corridors, where applicable, following the approval of the national ten-year plan. Management Authorities that share

jurisdiction for a protected area shall share responsibility for developing the management plan.

- (2) The Management Authority shall initiate planning by conducting a stakeholder analysis, conducting public scoping through meetings and solicitation of information seeking consensus regarding concerns with and priorities for management of protected areas from the public, local communities, community-based organizations, and stakeholders.
- (3) The Management Authority shall draft a management plan and give notice of it and solicit comments by placing an announcement in the *Gazette*, at least one national newspaper of general circulation, and at least one national radio and one national television station.
- (4) The Management Authority shall circulate the draft and solicit comments from the Body, all institutions represented on the Body, and any other party upon request.
- (5) The Management Authority shall hold meetings to present the draft to the public and shall accept comments in written and oral form.
- (6) The Management Authority shall consider all comments, shall change the draft management plan as appropriate, and shall prepare a response to all comments that shall be included with the release of the final plan.
- (7) The Management Authority shall submit the draft management plan to the Minister with jurisdiction over that Management Authority, for approval.
- (8) Management plans shall be approved or sent back for revisions by the Minister with jurisdiction over that Management Authority, within 60 days of receipt.
- (9) Management plans shall be revised as occasion requires, with notice to the Body and the Minister with jurisdiction over that Management Authority.
- (10) If the Minister with jurisdiction over that Management Authority deems revisions sufficiently substantial, he or she shall require that the revisions follow the procedures provided for preparation of a new management plan.

#### **Coordination.**

25. (1) Each Management Authority shall coordinate planning for each protected area with other Management Authorities with jurisdiction over areas in the same category in [Country] and shall consult with Management Authorities with jurisdiction over neighboring protected areas.

- (2) Where necessary to clarify coordination mechanisms, the Body shall facilitate establishment of memoranda of agreement between the appropriate authorities.
- (3) Management Authorities shall consult with Management Authorities in other OECS countries that are dealing with similar issues or that will be affected by decisions made in [Country] such as planning for the recovery of a population of a migratory species.

**Plan Criteria.**

- 26. (a) Every management plan must contain, at a minimum, an executive summary, visions and objectives, an introduction, a description, an evaluation, an analysis of issues and problems, a zoning plan, a business plan, management actions, and a monitoring and review section.
  - (i) The executive summary summarizes essential issues within the plan and relevant decisions.
  - (ii) The vision and objectives section contains a long-term vision, guiding policies, and a set of objectives and rationales for the objectives. The objectives shall be specific statements outlining what is to be achieved by management in the timeframe of the plan.
  - (iii) The introduction states the purpose and scope of the plan, providing an explanation of the purpose for the protected area (including the legislative basis), and the authority for plan development; it may also contain basic summary information about the protected area, such as size, primary resources, and values.
  - (iv) The description of the protected area is a summary of relevant descriptive information, such as the natural, cultural, historical, and socio-economic resources and features of the area, how it is used, and its legal and management framework; the description shall include surveys and appropriate reports on:
    - A. conservation status and condition of natural heritage including but not limited to biodiversity and water quality and quantity;
    - B. conservation status and condition of cultural heritage;



- C. resource use;
  - D. recreational use;
  - E. livelihoods generated; and
  - F. public awareness.
- (v) The evaluation of the protected area identifies why the protected area is important and explains the values associated with it.
- (vi) The analysis of issues and problems consists of an analysis of the constraints and opportunities affecting the area and a statement of the principle threats and impacts to its conservation, management, and maintenance and shall consider:
- A. institutional capacity;
  - B. collaborative management arrangements;
  - C. training, capacity-building, and resource needs and their level of priority;
  - D. administrative and/or financial autonomy for the protected area;
  - E. compliance and enforcement; and
  - F. the sustainability of the current management and use of the protected area.
- (vii) The zoning plan illustrates the boundaries, classification, and management and other activities allowed or prohibited for each zone; and may include sub-objectives for individual zones.
- (viii) The business plan is a description of specific actions and arrangements that implement the business approach for the protected area, including the financial plan, which shall adopt a sustainable approach.
- (ix) The management actions section is a description of specific actions to be carried out in order to achieve the objectives and shall include:
- A. a list of required management actions and activities;

- B. an overview work plan identifying when each action will be carried out and by whom;
- C. priority activities; and
- D. staff and financing required to carry them out.

(x) The monitoring and review section consists of an outline of how implementation of the plan will be monitored and when and how a review of the plan will be carried out and shall include indicators for measuring performance.

#### **Annual Operational Plans.**

- 27. (1) Management authorities shall implement management plans by means of annual operational plans.
- (2) Annual operational plans must contain detailed work plans with a prioritized list of management actions to be carried out and by whom, revenue estimations and budgetary allocations.

### **PART V**

#### **DEVELOPMENT**

##### **Criteria.**

- 28. (1) Development and concessions in protected areas are permitted only pursuant to zoning and management plans, and consistent with this Act and implementing regulations.
- (2) The Management Authority is responsible for determining whether a proposal complies with prescribed zoning and management prescriptions and for imposing any conditions on the proposal.
- (3) The Management Authority shall apply the precautionary principle in favor of the protection of the public interest when making permitting decisions.

##### **Coordination.**

- 29. (1) Approval of any development in a protected area by the Management Authority must be coordinated with the development control authority.
- (2) The Body shall resolve any conflicts between the Management Authority, development authorities, and other interested parties, at the request of any party.

## **PART VI**

### **MISCELLANEOUS**

#### **Repeal and Transition.**

30. (1) The provisions of this Act shall be construed to the extent possible to be consistent with any applicable provisions of the [Environmental Management Act] and the [Biodiversity Conservation and Sustainable Use Act].
- (2) Where any other law in force is inconsistent with the provisions and objectives of this Act, inconsistencies shall be resolved in favor of this Act.
- (3) The provisions of this Act shall prevail save and except they are expressly repealed.
- (4) If any one or more sections, clauses, sentences or parts of this Act shall for any reason be found invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Act.

## **First Schedule**

### **Protected Areas Coordinating Body Meeting and Voting Requirements.**

#### **Business conducted at meetings.**

1. (1) The Body shall conduct its business at meetings, subject to Section 2.
  - (a) The Body must meet at least once each calendar year at such place as may be declared by the chair.
  - (b) Meetings may be called by the chair or upon written request of one-third of the membership of the Body.
  - (c) To constitute a meeting there must be a quorum of Body members present. A quorum consists of fifty percent of the appointed voting members of the Body.
- (2) Body members may participate in meetings by telephone or video-conferencing so long as they can hear and be heard by all members of the Body present.
- (3) The Chair shall give notice to Body members, including location and purpose for the meeting, by email, fax, or postal service, at least:
  - (a) two weeks prior to a regular meeting; and
  - (b) two days prior to a special meeting.
- (4) All meetings shall be open to the public unless a majority of the Body members votes to hold a closed session to discuss confidential business or litigation-related information or other issues which can not be resolved in the presence of the public.
- (5) The Chair shall give notice of the meetings to the public by notice in the *Gazette*, at least one national newspaper of general circulation, and at least one national radio and one national television station; the Chair or member may notify members of the public who have expressed an interest directly by maintaining an email, mailing, or phone contact list. Notice shall be given to the public at least:
  - (a) two weeks prior to a regular meeting; and
  - (b) two days prior to a special meeting.

- (6) The Body shall make all public meeting minutes and reports available to the public within a reasonable time after the meetings.
- (7) The Body shall publish notice of any “major decisions” in the *Gazette*, at least one national newspaper of general circulation, and at least one national radio and one national television station.

**Voting requirements.**

- 2. (1) The action of a majority of the voting members present at any meeting at which there is a quorum shall be the action of the Body.
- (2) The Body can take action by electronic communication such as email if two-thirds of the members agree to the action.
- (3) The Body shall establish further voting procedures as necessary.

## **Second Schedule**

### **Protected Area Categories**

#### **Protected Area Categories.**

1. (a) Protected areas in [Country] are classified according to the most current International Union of Concerned Scientists Protected Areas categories. At the time of passage of this Act the categories are the following:

- (i) Strict Nature Reserve and Wilderness Area.

- A. “Strict Nature Reserve” means an area of land and/or sea possessing some outstanding or representative ecosystems, geological, or physiological features and/or species, available primarily for scientific research and/or environmental monitoring (Guidelines for Protected Area Management Categories, IUCN 1994, Category Ia).

The primary management objective for Strict Nature Reserves is to preserve habitats, ecosystems, and species in the most undisturbed state possible. Human occupation, agriculture, forestry, mining, industry, and tourism are prohibited. Hunting, fishing, picking, cutting, or uprooting are prohibited except for scientific purposes and those measures aimed at controlling or maintaining certain species and/or environments. Public access is greatly limited. Certain traditional activities, if they are localized, controlled, and do not interfere with maintaining biological and landscape diversity, may be authorized for the sole purposes of maintaining the environment and pre-existing obligations.

Strict Nature Reserves should be large enough to ensure the integrity of the reserve’s ecosystem, significantly free of direct human intervention and capable of remaining so, as well as able to achieve biodiversity conservation through protection without requiring substantial active management or habitat manipulation.

- B. “Wilderness Area” means a large area of unmodified or slightly modified land and/or sea retaining the area’s natural character and influence, without permanent or significant habitation, which is protected and managed so as to preserve the area’s natural condition (Guidelines for Protected Area Management Categories, IUCN 1994, Category Ib).

The primary management objective for Wilderness Areas is to ensure that future generations have the opportunity to experience, understand, and enjoy areas that have been largely undisturbed by human interaction over a long period of time. Wilderness areas allow for slight modification. Low-impact local communities living in balance with the area are permissible as is well-controlled, non-motorized public access.

Wilderness Areas should possess high natural quality, be governed primarily by the forces of nature, with human disturbance substantially absent, and be likely to continue to display those attributes if managed as proposed. The area should contain significant ecological, geological, physiogeographic, or other features of scientific, educational, scenic, or historic value, and offer outstanding opportunities for solitude.

- (ii) “National Park” means a protected area managed mainly for ecosystem protection and recreation; a natural area of land and/or sea, designated to (a) protect the ecological integrity of one or more ecosystems for present and future generations, (b) exclude exploitation or occupation inimical to the purposes of designation of the area, and (c) provide a foundation for spiritual, scientific, educational, recreational, tourism, and visitor opportunities, all of which must be environmentally and culturally compatible and sustainable (Guidelines for Protected Area Management Categories, IUCN 1994, Category II).

The primary management objective for National Parks is to protect natural and scenic areas of national and international significance for spiritual, scientific, educational, recreational, or tourism purposes. Subsistence resource use by local people is permitted as long as the use will not adversely affect the other objectives of management.

National parks should contain a representative sample of major natural regions, features, or scenery, where plant and animal species, habitats, and geomorphologic sites are of special spiritual, scientific, educational, recreational, and/or tourism significance. The area should be large enough to contain one or more entire ecosystems not materially altered by current human occupation or exploitation.

- (iii) “Natural Monument” means an area containing one or more specific natural or natural/cultural feature of outstanding or unique value because of its inherent rarity, representative or aesthetic qualities, or cultural significance (Guidelines for Protected Area Management Categories, IUCN 1994, Category III).

The primary management objective for Natural Monuments is to protect or preserve in perpetuity specific outstanding natural features because of their natural significance, unique or representational quality, and/or spiritual significance. To the extent consistent with the foregoing objective, natural monuments are to be managed so as to provide opportunities for research, education, interpretation, and public appreciation.

Natural Monuments should contain one or more natural or cultural features of outstanding significance. Natural features include, inter alia, waterfalls, caves, craters, fossil beds, sand dunes, and marine features. Cultural features include, inter alia, cave dwellings, cliff-top forts, archaeological sites, or natural sites which have heritage significance to local peoples.

- (iv) “Habitat/Species Management Area” means an area of land and/or sea subject to active intervention for management purposes so as to ensure the maintenance of habitats and/or to meet the requirements of specific species (Guidelines for Protected Area Management Categories, IUCN 1994, Category IV).

The primary management objective for Habitat/Species Management Areas is to secure and maintain the habitat conditions necessary to protect significant species, biotic communities, and/or physical features of the environment where these require specific human manipulation for optimum management.

Habitat/Species Management Areas should play an important role in the protection of nature and the survival of species, incorporating, as appropriate, breeding areas, wetlands, coral reefs, estuaries, forests, or spawning areas, including feeding beds.

- (v) “Protected Landscape/Seascape” means an area of land, with coast and sea as appropriate, where the interaction of people and nature over time has produced an area of distinct character with significant aesthetic, ecological, and/or cultural value, and often with high biological diversity. Safeguarding the integrity of this traditional interaction is vital to the protection, maintenance, and evolution of such an area (Guidelines for Protected Area Management Categories, IUCN 1994, Category V).

The primary management objective for Protected Landscapes/Seascapes is conservation and recreation. More specifically it is to maintain the harmonious interaction of nature and culture through the protection of landscape and/or seascape and the



continuation of traditional land uses, building practices, and social and cultural manifestations. As a lived in, working landscape, a variety of economic activities are permitted, such as agriculture, forestry, fishing, tourism, and some forms of industry, commerce, and retailing as well as residential areas and some infrastructure. Large-scale development, such as mining, may be allowed only if vetted through a full Environmental Impact Assessment process, the proposed development meets over-riding national needs, and there is no alternative.

Protected Landscape/Seascapes should possess a landscape and/or coastal and island seascape of high scenic quality, with diverse associated habitats, flora and fauna along with manifestations of unique or traditional land-use patterns and social organizations as evidenced in human settlements and local customs, livelihoods, and beliefs.

- (vi) “Managed Resource Protected Area” means an area containing predominantly unmodified natural systems, managed to ensure long-term protection and maintenance of biological diversity, while providing at the same time a sustainable flow of natural products and services to meet community needs (Guidelines for Protected Area Management Categories, IUCN 1994, Category VI).

The primary management objective for Managed Resource Protected Areas is to conserve and maintain the biological diversity and other natural values of the area over the long-term while promoting sound management practices for sustainable production purposes.

Managed Resource Protected Areas should be at least two-thirds in a natural condition, although they may also contain limited areas of modified ecosystems; large commercial plantations, however, would not be appropriate for inclusion.

## **Third Schedule**

### **Cooperative Protected Areas**

#### **Purposes of cooperative protected areas**

1. Management Authorities may enter into agreements with owners of private land to declare such land a cooperative protected area for a minimum term of five years for any or all of the following purposes --
  - (a) Soil and water conservation;
  - (b) Plant and wildlife conservation or restoration; and
  - (c) Public recreation.

#### **Cooperative protected areas agreements.**

2. An agreement in respect of a cooperative protected area shall --
  - (a) describe the area including size and boundaries;
  - (b) be in writing signed by the owner or the authorized agent on behalf of the owner and by the director of the Management Authority on behalf of the Government;
  - (c) contain a management plan;
  - (d) contain a plan, if appropriate, for the reimbursement of the Government for the reasonable costs of the administration, planning and management costs incurred;
  - (e) specify the responsibilities of the Government and the owner; and
  - (f) the obligations under the agreement shall run with the property in the instance of any transfer.

#### **Powers and requirements.**

3. (1) The Director of the Management Authority may, at the request of any owner of private land, provide technical assistance for conservation purposes.

- (2) The Management Authority may make reasonable charges to owners of private lands for services rendered having regard to the cost of such services and the protected areas policy of the Government.
- (3) The Body or any Management Authority may recommend to the Cabinet a proposal for incentives for private landowners to enter collaborative management agreements such as tax relief, correlating to the duration and public interest of the commitment.
- (4) Managers of privately owned protected areas will report annually in writing on the status of the protected area and its management to the Body.
- (5) The Body shall establish standard criteria for agreements authorizing collaborative management agreements.

**Savings clause.**

- 4. (1) This Act shall not in any way limit the ability of private landowners to manage property for conservation, environmental, or any other purpose.
- (2) This Act does not preclude or otherwise affect the right of private landowners to establish or operate game reserves, parks, resorts, or other such arrangements pursuant to other legal authority.

**Appendix 1**  
**OECS Protected Areas and Associated Livelihoods**  
**Project (OPAAL)**  
**Keith E. Nichols**  
**OECS-ESDU**  
**December 2004**  
**(Adapted from the OPAAL Project Appraisal Document)**

**Background**

The Eastern Caribbean region is endowed with a rich biodiversity, which, partly due to its isolation within the Caribbean Sea, has resulted in relatively high rates of national and regional endemism.<sup>4</sup> The rates of endemism in the region vary with island topography. In the Leeward Islands for example where species are particularly vulnerable to natural disasters, land-use changes and invasive species, there is less diversity relative to the larger, less vulnerable islands of the Windwards. This is clearly demonstrated in Dominica which has the most diverse wildlife remaining in the Eastern Caribbean and characterized by the relatively high levels of endemism due to its tremendous terrestrial and marine biodiversity, high level of forest cover, and unique ecosystems which include 8 active volcanoes and the only boiling lake in the Western Hemisphere.

One recent survey of the world's biodiversity hotspots identified the Caribbean as the fifth ranking "hotspot" and one of the highest priorities in any global strategy for biodiversity conservation and sustainable management.<sup>5</sup> In a second study based on faunal distributions, the Eastern Caribbean region was classified as a unique marine ecoregion of the tropical northwestern Atlantic province and as the most threatened given the highest priority ranking for conservation purposes.<sup>6</sup>

Despite the significance of the region's biodiversity endowment, there have been reductions in both its quantity and quality over time. Much of the terrestrial landscape in the Lesser Antilles has been heavily modified particularly in the "low" islands (e.g., Antigua and Barbuda). As a result, much of the rural area is dominated by grasslands and savanna sub-types derived from anthropomorphic influences; mainly clearing for sugar cane production and the direct harvesting of forests for production of wood and charcoal. In contrast, secondary forests predominate at mid-elevations in the "high" islands and the only remaining primary forest ecosystems that are undisturbed are confined to the relative higher and inaccessible elevations (e.g. in Dominica).<sup>7</sup> Similarly, many of the region's highly productive offshore ecosystems have come under increasing pressure in recent

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<sup>4</sup> For example, in St. Vincent alone, there are 26 endemics with 1 of these now extinct. In St. Lucia alone, this rich biological diversity is illustrated by its 1,300 known species of plants, 14 of which are endemic; over 150 birds (5 endemic); 21 species of herpetofauna (5 endemic), several invertebrates and a few mammals. Additionally, 250 reef fish species and 50 coral species have been recorded for the island. Grenada's dry forest is the primary habitat to the endemic Grenada Dove (*Leptotila wellsi*).

<sup>5</sup> Conservation International, 2003. State of the Hotspots (Conservation International, Washington, D.C.).

<sup>6</sup> Sullivan, K., et. al., 1999 Setting Geographic Priorities for Marine Conservation in Latin America and the Caribbean (The Nature Conservancy, Arlington, Virginia).

<sup>7</sup> CCA, IRF. 1991. Environmental Agenda for the 1990s. A Synthesis of the Eastern Caribbean Country Environmental Profile Series. CCA, IRF.

times from a variety of anthropogenic and natural sources. Efforts aimed at protecting the critical ecosystems in the islands of the Eastern Caribbean have not been very successful, even when the legislative foundation for the establishment of management programmes for such areas has long been in place. In fact the lack of congruence between nation building and the sustainable use of natural resources remains the biggest hurdle to attaining the goals of sustainable development. The nexus between poverty and the loss of natural capital through over or indiscriminate resource extraction is still not clearly understood, far less the determination of what needs to be done to address the situation. For now the establishment of protected areas (PAs) remains the primary tool for resource conservation in the Eastern Caribbean but that itself is characterized by a checkered history of implementation.

### **Institutional Framework**

In Dominica, a system of national parks was created as early as 1975 that has now been expanded to cover in excess of 20 % of the total land area. This system includes 2 national parks and 2 forest reserves. In St. Lucia, a national plan for a system of PAs was developed in 1992 but was never formally adopted. In St. Vincent & the Grenadines, an effort was recently launched which will result in the development of a national system plan. Despite being identified as priorities in the respective Participating Member States (PMS')<sup>8</sup> of the OPAAL project, national Biodiversity Strategic Action Plans or PA System Plans still do not exist in Antigua and Barbuda, Grenada, or St. Kitts and Nevis. To date there are approximately 98 gazetted protected areas in the OECS and an additional 9 PAs that are in process of being created. Of these, 32 were created through two pieces of legislation in St. Vincent and the Grenadines. Of the total PAs, 8 and 15 are national parks and forest reserves, respectively. There are 45 marine protected areas divided among 4 designation categories.<sup>9</sup> The majority of these marine protected areas however are not demarcated and do not have management plans.

An analysis of the major ecosystems represented in existing and proposed protected areas in the region reveal that there are fewer terrestrial ecosystems represented relative to their coastal/marine counterparts, particularly dry tropical forest. In part, this is due to land scarcity and tenure issues characteristic of the Eastern Caribbean. Offshore cays appear to be the least represented "marine" ecosystem. St. Kitts/Nevis followed by Antigua/Barbuda are notable among the 6 PMSs for their relatively few protected areas and absence of ecosystem diversity in existing protected areas.

The existence and substance of PA-related legislation varies throughout the region. In all cases, protected areas have been created through Forestry and Fisheries enabling legislation (St. Kitts/Nevis is the exception where there is no Forestry Act). However, there appears to be an emerging trend to draft more comprehensive PA legislation. In Dominica, there is a specific Parks and Protected Areas Act (1975) which permits the

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<sup>8</sup> Participating Member States (PMSs) of the OPAAL project are St. Kitts and Nevis, Antigua and Barbuda, the Commonwealth of Dominica, St. Lucia, St. Vincent and the Grenadines and Grenada. The other Member States of the OECS are Anguilla, the British Virgin Islands and Montserrat.

<sup>9</sup> It appears that there is no uniformity between marine PA designation and management objectives in the region.

Ministry of Agriculture (MOA) to set aside lands as protected areas and the creation of a National Park Services and National Park Advisory Council. In 2001, the National Parks, Beaches, and Rivers Authority Act of St. Vincent & the Grenadines made provision for the creation of a Unit to create and administer the management of national parks. More recently, changes in Antigua's National Parks Authority is likely to result in an expansion and diversification of its mandate to include natural PA to complement its existing historical - cultural areas. Similarly, institutional responsibility for biodiversity management and conservation is dispersed among a number of institutions depending on the approach adopted by the PMSs. One approach uses existing sectoral legislation to declare areas of special concern 'protected'. Responsibilities are typically divided between the Departments of Fisheries (marine protected areas) and Forestry (forest reserves and wildlife management), often housed in a single ministry (e.g., Agriculture).<sup>10</sup> Another model common in the region consists of national park units typically housed in mainline ministries such as Tourism, Health and Environment, or Agriculture (e.g., Dominica, and St. Vincent & the Grenadines). A third model is based on the establishment of statutory bodies (Trusts) with a mandate to create and/or administer one or more PAs, and to preserve the historical or natural heritage of the country. (e.g., Nevis Historical and Conservation Society, the St. Lucia National Trust). Typically, they are empowered to raise funds, acquire property and make regulations governing the use of the properties they hold in "trust" for the nation. In several cases, more than one model prevails in a country often resulting in overlapping mandates and institutional inefficiencies.

## The Project

The origins of the present project began with a Block B grant awarded to St. Lucia in late 2001 to assist in the preparation of the "St. Lucia Coastal/Wetland Ecosystem Conservation and Sustainable Livelihoods Project." A draft project brief was prepared by late May 2002. Following an internal Bank review of the project proposal, and further discussions with government officials and prospective co-financiers, consensus was reached on the need to adjust the project's design toward an OECS-wide regional approach supporting national demonstration activities. This approach would better ensure the sustainable establishment and management of PAs in the OECS.

Factors that prompted this shift from a national to a regional approach included: (i) the need to demonstrate **strategic consistency** with the regional approaches embodied in the OECS Development Charter and the St. George's Declaration of Principles for Environmental Sustainability in the OECS, the World Bank's Country Assistance Strategy (CAS), and the other donors' strategies; (ii) facilitating OECS countries' efforts to mobilize needed resources to meet **GEF's co-financing requirements**; (iii) **gains in efficiency and economies of scale** to enhance replicability and sustainability of the project's objectives; and (iv) addressing the root causes of environmental degradation through **improved coordination**. Finally, a regional approach, channeled through an institution dedicated to the coordination of multi-national efforts, is more likely to ensure that PA project activities are better integrated, complemented and coordinated with other sustainable environmental initiatives in the region.

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<sup>10</sup> A recent FAO-assisted project resulted in the harmonization of fisheries legislation in the region, which provides for the creation of marine reserves.

The Project Development and Global Objective of OPAAL is to contribute to the conservation of biodiversity of global importance in the Participating Member States by removing barriers to the effective management of protected areas (PAs), and increasing the involvement of civil society and the private sector in the planning, management and sustainable use of these areas.

The project intends to achieve this objective firstly by strengthening national and regional capacities in the sound management of PAs. This first component will provide support for a regional and national policy, legal and institutional reform process that will serve as the foundation for PA management at the national level. Included also as critical elements will be the updating of existing or preparation of new national PA system plans, and the support for studies that will provide solutions to the barriers of financial sustainability of PAs. OPAAL will also provide the necessary technical and financial support for the creation of new or strengthening of existing protected areas.<sup>8 11</sup>The project will also support a regional umbrella programme as well as national elements on education, training and awareness as it relates to the importance of biodiversity and the management of protected areas.

OPAAL is actually geared towards providing global benefits through the conservation of globally significant biodiversity. As a consequence pre-selected sites in each PMS consisting of dry and humid tropical forests, wetlands and tidal flats, sandy and rocky beaches, coral reefs, seagrass beds, mangroves, and offshore islets will be elevated to protected area status. Nesting sites for several endemic species, as well as sea turtles will also be protected. Most importantly these global benefits will be closely linked to demonstrable benefits for local populations including generally improved environmental integrity and natural amenity values such as watershed protection, and protection of the resource base, one of the region's most important source of foreign exchange – tourism. Perhaps the most important benefit will be the newly developed constituencies for biodiversity conservation who will act to promote conservation and sustainable development due to the tangible economic benefits and improved economic opportunities.

The project is also geared to providing benefits to those target groups associated with project-supported PAs, particularly where that association implies a dependency on the resources for livelihood support or where there is a displacement of the livelihoods because of the legal declaration of protection. Where the nature of that dependency is not compliant with the goals of protection for the area, the project will provide for the identification of alternative sources of livelihoods that will ensure equal or greater socioeconomic benefits than previously obtained. The empowerment of target groups/persons will be effected through appropriate capacity building initiatives undertaken by the project, which will be geared towards securing the sustainability of these alternative livelihoods. In the process of providing for the enhancement of existing livelihoods, (where compatible with

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<sup>11</sup> All PMSs have already selected project sites, some of which are already designated protected.

protection objectives), and/or the provision of alternatives, the project will foster partnerships with appropriate national, regional and community development agencies and organizations.

OPAAL will also support marketing research, consultations and interviews with key governmental and NGO agencies, and on-site visits with local entrepreneurs and businesses where needed. In all cases, the project would address livelihood issues of affected populations in a manner which is fair, just, and in accordance with local laws, as well as consistent with the World Bank's Safeguard Policies on Involuntary Resettlement (OP 4.12) and Natural Habitats (OP 4.04).

## **Administration**

In order to facilitate implementation at the national level, ESDU will implement the project, in close collaboration with the national implementing entities (see below) for project activities at national and local levels. ESDU's main tasks will be to: (i) administer and manage the project; (ii) ensure coordination of project activities with participating countries, relevant regional and international institutions (such as the CCA, CEHI, CARICOM, UNEP and UNDP, etc.) and other stakeholder (civil society, communities, NGOs and private sector); (iii) work with the participating countries for the implementation of country -level activities; (iv) procure goods, works and services; (v) monitor and evaluate project progress, (vi) ensure proper project accounting and financial management, (vii) contract annual external auditing of project accounts, and (viii) represent the project before the Project Steering Committee (PSC).

To carry out its responsibilities under the project, ESDU will hire, with grant funds, a protected areas specialist who will also serve as field officer, a communications officer, and an administrative assistant all of whom will be housed at the offices of ESDU. The Project Coordinator who is the Programme Officer responsible for the Biodiversity and Protected Areas functional area will report directly to the Head of ESDU who will serve as Project Director. All ESDU staff and other function managers (Sustainable Livelihoods, Environmental Planning and Management, and Education Training & Awareness) are assigned specific project responsibilities and will assist the Project Coordinator as necessary and appropriate. Figure 1 outlines the proposed organizational structure of the project.

At the national level, each participating country will identify a National Implementation Coordinating Entity (NICE) that will have the responsibility for: (i) preparing national annual work plans and budgets, (ii) day -to-day implementation of project activities at the national level, (iii) managing/supervising the implementation of local site activities in collaboration with the Site Implementing Entities (SIEs) and beneficiaries of livelihoods subprojects, and (iv) liaise directly with the ESDU on matters relating to project implementation. Whenever possible, the PMS intend to use already existing institutional structures (government agencies, NGOs, etc) to serve as NICEs.. The NICE will also participate in the PSC on a rotating basis (discussed under PSC below). All NICE will designate a National Coordinator who will be directly responsible for project coordination and implementation at that level. The activities of the National Coordinator



will also be supported by other government agencies with relevant mandates.

At the sites of project-supported PAs, Site Implementing Entities (SIEs) will be set up with a PA Manager assisted by relevant staff (including rangers and others) to undertake the day -to-day management of the PA and related site-specific project activities. Community groups living in and around the PAs, appropriate public and private agencies and relevant local stakeholders will also have representation in the SIE in an advisory capacity to assist the PA Manager. The SIE will participate actively in the implementation of component 2 and 3 of the project. SIEs will also participate in the National Technical Advisory Committees (NTACs) and will advise and/or collaborate closely with the NICES on the implementation of site activities.

Regional oversight will be provided by the Project Steering Committee (PSC) which will (i) approve the annual work plans and associated budgets, (ii) monitor project progress; (iii) review, analyze and provide guidance to the ESDU on project issues during the course of project implementation in accordance with a project operational manual acceptable to the Bank. The PSC will consist of 2 representatives from 2 PMS, the latter, which will be rotated annually. The representation from each PMS will comprise: (i) the Head of the national agency responsible for parks and protected areas and/or a representative of the NICE where appropriate; and (ii) the ESDU National Technical Focal Point who is also the most senior technical officer in the Ministry of Environment of the relevant PMS. The OECS Secretariat will chair the PSC; ESDU staff will be exofficio members. The PSC will meet twice a year in the first year and annually thereafter.

At the national level, the project will be monitored and guided through a **National Technical Advisory Committee (NTAC)**, an inter-sectoral, inter-agency body that will include representatives from relevant government agencies and public and private institutions, including NGOs, involved in environmental management in general and biodiversity management, in particular. The NTACs will: (i) provide broad technical and policy advice to the National Implementation Coordinating Entities or NICES and (ii) review national strategies/workplans and associated livelihood subprojects. Participating Member States will be encouraged to use existing National Biodiversity Committees as NTACs for the project.

The OECS OPAAL project is co-financed under parallel funding arrangements by the Organization of American States (OAS) and the Government of France through its Fonds Francais de L'Environnement Mondial (FFEM) with US\$0.35 million and Euro 1.32 million respectively. The Global Environment Facility will provide US \$3.7 million through the World Bank, with the PMSs and the OECS Secretariat US \$ 1.88 in in-kind contributions bringing the total project cost to approximately US \$7.57 million. This five year project which was launched in December 2004 is envisaged as the initial stage of a 15 year programme for the management of Protected Areas in the OECS. This essentially means that post project activities will aim to secure the sustainability of the protected areas management and hopefully securing the long-term inclusion of the natural environment in general into the sustainable development portfolio of OECS Member States.

**Appendix 2**  
**PROJECT DESCRIPTION**  
**OECS Protected Areas and Associated Livelihoods (OPAAL) project**

**DEVELOP AND DRAFT FRAMEWORK/HARMONISED POLICY DOCUMENTS  
OR LEGISLATIVE INSTRUMENTS AND DESIGN APPROPRIATE  
INSTITUTIONAL ARRANGEMENTS RELATING TO PROTECTED AREAS  
MANAGEMENT**

**1. Background**

The OECS Secretariat through its Environment and Sustainable Development Unit (ESDU) has begun implementation of the OECS Protected Areas and Associated Sustainable Livelihoods (OPAAL) Project. This initiative is being executed in partnership with the International Bank for Reconstruction and Development (the World Bank) acting as an Implementing Agency of the GEF; the Fonds Français pour l'Environnement Mondial (FFEM) of the Government of France; and the Organisation of American States (OAS).

Recognizing the importance of the sustainable management of its natural resources and rich biodiversity, the Governments of the OECS Participating Member States (PMS) have made significant commitments to protecting their countries' resources. Some of these include their status as signatories to international conventions, the formulation and adoption of policy statements, legal and institutional instruments, recent environmental programs, and financial support of conservation activities through budget allocations. At the sub-regional level, the OECS Member States in the year 2000 issued and subsequently endorsed the St. George's Declaration of Principles for Environmental Sustainability in the OECS, which includes a commitment to the conservation of biological diversity and the protection of areas of outstanding scientific, cultural, spiritual, ecological, scenic and aesthetic significance. Member States have also begun translating their international and regional commitments into tangible actions at the national level. An example of this is the production of the National Environmental Management Strategy, the outcome of the commitment to the regional OECS Environmental Management Strategy. The international commitment to the SPAW protocol under the Cartagena Convention is of even greater relevance to the context of this TOR. The recognition of the importance of this protocol and national commitment has crystallized in the establishment of protected areas (PAs) as the primary method of preserving biodiversity and conserving valuable natural resources assets.

Despite these positive achievements, significant impediments continue to exist in terms of an effective framework for establishing and managing protected areas (PAs) which can ensure that the integrity of the region's fragile biodiversity is not further compromised. Existing institutional arrangements within PMSs are weakened by gaps in the present policy framework. These include limited incorporation of environmental and social costing into economic decision making and inadequate systems that encourage and promote integrated planning, information sharing and collaboration among agencies and other stakeholders.

The need to upgrade existing laws and institutional arrangement for environmental management in the OECS has been recognized. Presently one initiative is facilitating a

review of environmental legislation and development of model OECS environmental frame legislation. A UNEP review of legal and institutional arrangements for biodiversity-related Multilateral Environmental Agreements (MEAs) has also been undertaken within the OECS. With respect to protected area establishment and management, many of the existing laws have been in existence for a considerable time and as such do not embrace contemporary approaches to environmental management and hence need to be updated. Additionally, current legal structures fail to provide the required framework for the establishment and management of protected area (PA) at either national or regional levels.

Current responsibility for PA management is legally granted to more than one agency without articulating the strategies for collaboration and integration of the assigned responsibilities. In some cases, this is a consequence of legislation being enacted without the amendment or rationalization of existing laws, leading to redundancy and jurisdictional conflict. In other cases, the promulgation of necessary rules and regulations necessary for effective control and enforcement has not taken place. Some of the new laws enacted for the establishment of National Parks and other categories of PAs have inherent deficiencies and require amendment. In addition, institutional capacity within PMSs remains limited and requires urgent attention. In this regard, legal and institutional frameworks in support of PA establishment and management must be designed to provide for efficient and effective use of available resources.

Component 1 of OPAAL seeks to establish more effective institutional frameworks for conservation management through providing a critical focus on the existing natural resources, legal and institutional frameworks to facilitate protected area establishment and management. As such, the project aims to adopt a harmonised approach to the creation and management of protected areas (PA) in the OECS region Protected Area. There are three sub-components within this project component: (i) policy, legal and institutional arrangements reform; (ii) updating/preparing new national protected areas system plans; and (iii) supporting studies.

## **2. - Objective**

The objective of this project is to determine and develop the framework or harmonised policy document, legislative instrument and institutional arrangement as appropriate for PMSs. These will facilitate the development of a harmonised approach to the creation and management of PAs in the OECS region. The required work falls reflects the Policy, Legal and Institutional Arrangements Reform sub-component of Component 1 of the OPAAL Project.

## **3. - Task Methodology**

The Consultant will be required to:

- a. Consult the OPAAL-supported reviews of existing policy, legal and institutional frameworks, and comparative analysis of national frameworks in support of PA establishment and management in PMSs;
- b. Consider the outcomes of the Peer Review workshop undertaken to assess the national reviews and comparative analysis mentioned in a.;

- c. Liaise with the consultant who carried out the aforementioned reviews and analysis, and any other consultant as directed by the project coordinator;
- d. Based on the aforementioned tasks, determine the appropriate policy, legal and institutional arrangements at both national and regional levels in support of Protected Areas establishment and management within the OECS
- e. Development and draft framework or harmonized policy document and/or legislation, as most appropriate, in support of Protected Areas establishment and management within the OECS
- f. Identify and design the appropriate institutional framework in support of Protected Areas establishment and management within the OECS.

#### **4. Scope of Work**

The development of the appropriate framework or harmonised policy document or legislative instrument will require the execution of discrete activities. In undertaking this assignment, the Consultant will work closely with the OECS-ESDU.

To achieve the objectives of this assignment, the Consultant will be required to execute the following tasks:

##### *Task 1: Inception Report*

Attend an inception meeting with ESUD staff and, based on discussions thereat, prepare a final Work Plan for the provision of the contracted works.

##### *Task 2: Review of Existing Documentation and Legislation*

(i) Review any existing studies and reports, including but not limited to the NEMS, relating to the status of protective areas legislation and options for institutional strengthening for protected areas management in the OECS MS (3 days).

(ii) Based on the (i) 2001 Review of MEAs, (ii) UNEP Review of Biodiversity-related MEAs and draft harmonised MEA legislation, (iii) ENCAPD-supported development of OECS model environmental legislation, and (iv) OPAAL-supported reviews of existing policy, legal and institutional frameworks and comparative analysis of national frameworks in support of PA establishment and management in PMSs, identify any requirements with respect to the enactment of framework or harmonised (as more appropriate) domestic protected areas legislation in the PMSs (2 days).

(iii) Review the existing or draft protected areas (-related) policies and legislation already enacted or prepared in OECS Member States to identify areas of commonality and difference in the approaches being taken by OECS MS (3 days).

##### *Task 3: Conduct National Consultations*

Carry out in-country consultations with the Governments of, and other stakeholders in, at least 4 PMSs (as determined in the approved work plan) with respect to the formulation of harmonized protected areas legislation. Consult with stakeholders within the remaining

PMSs via a range of communication means (telephone, email) using appropriate tools such as questionnaires, etc. (14 days).

*Task 4: Prepare Interim Report*

Based on Task 2 and Task 3 above, prepare an Interim Report on the findings of the review and needs analysis including recommendations on the structure and coverage of framework or harmonised policy documents or legislative instruments as found to be most appropriate for OECS Member States. The Interim Report will be submitted to OECS-ESDU and National Implementation Coordination Entities (NICES) within the PMSs for their review and feedback (3 days).

*Task 5: Draft framework/harmonised OECS Protected Areas Management Policy and/or Act*

Following feedback on the Interim report and based on the aforementioned Interim Report, prepare a discussion Draft framework or harmonised (as appropriate) OECS Protected Areas Management Policy and/or Act for circulation to and review by the OECS MS; (15 days)

*Task 6: Draft institutional framework in support of Protected Areas Management*

Identify and design an appropriate institutional framework in support of Protected Areas establishment and management within the PMSs for circulation to and review by the OECS MS (10 days)

*Task 7: Consultancy report to include framework or harmonised OECS Protected Areas Management Policy and/or Act and finalised Draft Institutional framework design*

Based upon the comments received in writing from the PMSs, prepare a report of the consultancy which will include a finalised Draft framework or harmonised (as appropriate) OECS Protected Areas Management Policy and/or Act suitable for customization to the needs of individual PMSs, and finalised design for the required institutional framework to implement said policy/legislation. The document report will be presented to MS representatives at a regional workshop designed to consider and endorse the framework/harmonised Policy and/or Act. The finalised framework/harmonised policy/Act is then to be submitted to the OECS-ESDU and the OECS MS for consideration and feedback (12 days).

## **5. - Outputs**

The final output of this assignment will be a Model OECS Environmental Management Act suitable for subsequent customization to the needs of individual OECS MS. Interim outputs will be:

- (i) An Inception Report inclusive of a Work Plan at the start of the contract period;
- (ii) A concise Interim Report including recommendations on the structure and coverage of Model OECS EFL to be submitted on completion of *Task 2* and *Task 3*; and
- (iii) A Draft framework or harmonised (as appropriate) OECS Protected Areas Management Policy and/or Act to be submitted at the end of *Task 5*
- (iv) A Draft institutional framework in support of Protected Areas Management to be submitted at the end of *Task 6*

- (v) Consultancy report that includes the final Draft framework or harmonised OECS Protected Areas Management Policy and/or Act, and the final draft Institutional framework design to be submitted at the end of *Task 7*

## **6. - Project Administration**

The Consultant is responsible for administering this project. Travel will be a necessary part of this project and the cost of such travel for aspects such as transportation, accommodation, consultative workshops and other consultative activities (including venue rental, provision of refreshments, rental of audio-visual equipment, where necessary), as well as other administration costs and per diem, etc., will be covered by OECS as approved by the OECS.

All communications will be between the OECS Project Coordinator or his designee and the Consultant, regardless of who else the Consultant includes in the assigned work.

The Consultant will manage time and responsibilities to ensure timely delivery of outputs required under this Project Description.

## **7. - Qualifications and Experience of Consultants**

Execution of this Terms of Reference requires a Consultant having the following qualifications -

- a) Significant expertise and experience in the development of environmental and sustainable development policy, legislation and regulations in the English-speaking Caribbean.
- b) Capability to manage a complex technical assistance projects and to deliver required outputs on schedule and within the resource constraints of the project.

## **8. - Timing**

It is anticipated that the Consultant will be selected by the OECS Environment and Sustainable Development Unit by . As the first activity the consultant will submit for approval to the OECS Environment and Sustainable Development Unit a proposed plan of work containing timing for completion of the foreseen tasks.

## **9. - Reporting**

The Consultants shall provide OECS Environment and Sustainable Development Unit with an electronic copy of the complete final documents in MSWord software.

### **Appendix 3**

#### **General Bibliography**

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## **Appendix 4**

### **Summary of Environmental Laws of Antigua & Barbuda**

#### **Fisheries Act 2006 No. 22 (2006) (Ant. & Barb.)**

This Act was enacted for the purpose of providing for the sustainable development and management of fisheries and other related matters. This law aims to accomplish these goals by granting authority to Chief Fisheries Officers to manage all related affairs and allows the Minister to appoint a fisheries advisory committee to advise on responsible management and sustainable development (section 7.1). It also allows for the designation of a local fisheries management authority if none exists (section 10) and allows for such authorities to make laws not inconsistent with this Act. Furthermore, the Act requires a fishing license for fishing vessels in fisheries areas and prohibits certain types of fishing all together. It also requires an aquaculture license to construct, reconstruct, adapt acquire or operate an aquaculture facility. Violation of prohibited activities or failure to obtain proper permits can result in financial penalties and imprisonment. This law is pertinent to Protected Areas in four primary ways.

- 1.) Section 53 (1) of the law grants the Minister authority to designate area of waters of Antigua and Barbuda and adjacent or surrounding land to be marine reserves for purpose of Protecting the flora and fauna of that area, to protect the habitats of aquatic life of the area, to allow for regeneration of habitats of aquatic life (where it has been depleted or threatened), to preserve or enhance natural beauty of such areas.
- 2.) Section 53(2) prohibits certain activities in designated marine reserve areas. These prohibited activities include fishing, destroying flora or fauna, dredging or constructing any building or structure.
- 3.) Section 53(3) grants the Minister or person authorized by the Minister to grant authority to conduct the prohibited activities in section 53(2) when the activities are required for the proper management of the reserve or for any purpose set forth in Section 53(1).
- 4.) Section 53(4) allows for the Regulations of this act to establish a regulatory authority for marine reserves.

#### **Territorial Waters Act, No.18 (1982) (Ant. & Barb.)**

This Act provides for an extension of the limits of the territorial waters of Antigua and Barbuda and Redonda, it also sets forth the contiguous, exclusive economic and fishery zones of Antigua and Barbuda and Redonda and provides that Antigua and Barbuda have jurisdiction of such zones. Relevant to Protected Areas, this law designates areas of the sea and of the submarine areas that are beyond and adjacent to the territorial waters as the exclusive economic zone (Section 7). Moreover Section 10 of this Act states Antigua and Barbuda may (in accordance with international law) exercise jurisdiction over the exclusive economic zone with regard to the protection and preservation of the marine environment (Section 10(b)(iii)). Section 19 also authorizes regulations to be made in for the conservation of the living resources of the sea and for the preservation of the marine

environment. Violations of provisions within this law are punishable by fine or imprisonment.

### **Forestry and Wildlife Act (1991) (Ant. & Barb.)**

This Act provides for the administration, conservation, protection and management of wildlife and for other related matters such as proper use of forests and the prevention and control of forest fires. This Act requires the appointment of a Chief Forest and Wildlife Officer who will carry out the purpose of this Act. This Act specifically requires the establishment of a Forest and Wildlife Plan to achieve its goals. The Plan is required to include an assessment of the forest and resources to be conserved, an assessment of the demand for and threats to the resources, the efforts required to conserve and develop resources, and an estimate of a budget needed (Section 6). This plan must be submitted to the Minister who will then submit it to the Cabinet for approval. Particularly relevant to Protected Areas are:

Section 10-allows the Minister to declare “any area crown land” to be Forest Preserve for the conservation of soil and water and for the preservation of flora and fauna.

Section 12 - allows the Minister to declare any area within a Forest Preserve as a Protected Area. In this area, development, exploitation harvesting of timber or other forest produce is prohibited. This section also provides that the Minister, in the event of a natural disaster, may suspend the Protected Areas designation for a period not more than six months in order to allow salvage operations (Section 12(2)).

Section 14-requires the Chief Forest and wildlife Officer to develop a Wildlife Plan that will include amongst other things, the location, area and purpose of the Protected Areas. This plan must be submitted and approved by the Minister.

Section 15- allows for the Minister to contract with Private landowners placing land under the control and management of the Chief Forest and Wildlife Officer.

Section 21-requires the Minister to prepare a conservation plan within 6 months of designating a conservation area.

Section 22- allows the Minister to issue an order (not to exceed 90 days) preventing any activity on an area that is to be designated a conservation area.

Section 23- allows the Minister to make regulations for any specific conservation area.

Section 24-sets forth special penalties for conducting prohibited activity in conservation areas.

Section 28- establishes a forestry and wildlife development fund that can be used to purchase private lands for forest or wildlife reserves, to pay for expenses related to management of forests or wildlife reserves, loans or grants to owners or tenants of land for forest or wildlife reserve management, or for any other use consistent with this Act.

Section 29-sets forth how moneys will be paid into the fund established in Section 28.

Section 30- requires the Chief Forestry and Wildlife Officer to keep records and accounting for the Fund and allows for the auditing of the records and accounting of the Fund.

Section 34-allows for any “area of the crown” to be designated as a wildlife preserve.

Sections 35-40 -set for the prohibition of activities in a designated wildlife preserve and penalties for violation of these laws.

Section 42-Ratifies the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Convention on Wetlands of International Importance, the Convention on the Conservation of Migratory Species of Wild Animals.

**The Beach Protection Act (Ch. 46) (1957) (Ant. & Barb.)**

This Act prohibits the removal of sand, stone, shingle, gravel from any beach of seashore of Antigua (does not apply to the Island of Barbuda) for building or construction purposes or providing ballasts for vessels, however permits may be issued at the discretion of the Director of Public Works or an authorized officer to conduct such issues.

**The Beach Protection Amendment Act, No.6 (1993) (Ant. & Barb.)**

Amends provision to the Beach Protection Act which discuss penalties for violation of the Act.

**Copyright Act 2003, No. 33 (2003) (Ant. & Barb.)**

This Act makes provisions with respect to copyright, rights in performances and to repeal certain copyright laws. It is unclear how it may specifically pertain to Protected Areas, although Section 147 of this law states that it shall apply to “things done” in the exclusive economic zones and territorial zones of Antigua and Barbuda

**Disaster Management Act, No. 13 (2002) (Ant. & Barb.)**

This Act provides for the effective organization of preparedness, management, mitigation, response and recovery in the event of an emergency, natural disaster and man-made disaster in Antigua and Barbuda. This law establishes a Director of Disaster Preparedness who will coordinate with the Prime Minister in developing the general policy of Antigua and Barbuda relating to disaster management. It also creates a Response Advisory Committee that is responsible for creating an annual Disaster Response Policy Review Plan, and designates a Director who will be responsible for the establishment of and management of emergency shelters, creates guidelines for a Threatened Disaster Alert and makes the Caribbean Emergency Response Agency Agreement a law in Antigua and Barbuda.

Potentially relevant to Protected Areas is Part VI of this law which discusses Vulnerable Areas. Under this section the Prime Minister may designate especially vulnerable areas for the purposes of the mitigation, preparedness for, response and recover from emergency disasters. A Special Precautionary Plan would be required which would include provisions

designating any part of the specially vulnerable areas as a prohibited area for navigation or for the purpose of removing vegetations, sand, stones, shingle or gravel. Section 22 expressly states that “any person or authority exercising any function under this Act and any function under any other Act affecting conservation and management of the resources of the especially vulnerable area shall have regard to the special area precautionary plan.” Moreover Section 35 allows the Prime Minister to institute Regulations for the purpose of implementing the Special Area Precautionary Plan.

#### **The Dumping at Sea Act, Cap. 41 (1975) (Ant. & Barb.)**

This law prohibits dumping of substances or articles in Antiguan waters without a license. It also prohibits loading substances or articles onto a ship, aircraft or marine structure in Antigua and Barbuda or Antiguan waters for dumping in the sea without a license. The law sets forth certain deposits that would not be considered dumping for purposes of this law. It also makes it an offense to violate this Act which can be punished by fine, imprisonment, or revocation of permit or license. The Minister also is granted the power to declare by Order that any procedure in the London Convention, Oslo Convention or any designated Convention as an accepted procedure between the government of Antigua and Barbuda.

#### **Environmental Protection Levy Act, No.22 (2002)(Ant. & Barb.)**

This Act provides for the imposition and collection of an environmental protection levy on goods imported to or manufactured in Antigua and Barbuda. The levy shall be allocated to the Consolidated Fund for goods set out in Part I of the Act, and shall be allocated to the Solid Waste Management Authority for goods set out in Part II. Relevant to Protected Areas is Section 5 which states that the monies from the levy shall be used for financing the cost of protecting the environment and the preservation and enhancement of the environment.

#### **The Finance and Audit Act, Cap. 168 (Ant. & Barb.)**

This law sets forth how and by whom finances of Antigua and Barbuda will be managed and audited. Of potential relevance to the management of Protected Areas is Section 6 that allows for the development of a Special Fund. Section 20 defines a Special Fund as any trust fund held by the government and requires the funds to be held in separate account.

#### **The Litter Act, (1995) (Ant. & Barb.)**

The Litter Act prohibits any person without a reasonable excuse from dumping waste in a public place other than a trash receptacle. It also holds those responsible who dispose of litter from motor vehicle (even if it blows off) motorway, road, street, alley, lane, mall or thoroughfare. Offenders may be required to clean up litter or be punished by fine or imprisonment. This law also designates a Litter Prevention Warden who has the authority to enforce the provisions of this Act, and who may require a person depositing litter in a public place to remove the litter to the nearest approved site. The Warden may also issue a clean up order to the owner of any premises when viewed from a public road, street or highway, is considered by the Warden to be unsightly or seriously detrimental to the amenities of the neighborhood. This law does not apply to the territorial waters of Antigua.

### **The Litter Act Amendment, No.8 (2004) (Ant. & Barb.)**

This law makes amendments to sections 2, 9-13 and 18 of the Litter Act. Specifically, this law repeals the definition of “premises” in the Litter Act and substitutes with “any land with or without a building thereon, natural water courses and drains, whether boundary or interlot drains in any private layout or otherwise, any ports, bays and shores.” It also repeals the definition of “waste” and substitutes with “any abandoned vehicle or substance or article which requires to be disposed of as being broken down, worn-out, unfit for its required purpose, contaminated or otherwise spoiled.” The remaining amendments pertain to the authority officers enforcing the litter act, fines associated with violation of the Litter Act and the responsibilities of landowner who control premises that fall under the Litter Act.

### **Marine Areas Preservation and Enhancement Act (1972) (Ant. & Barb.)**

This law grant the authority to the Minister to designate any portion of the marine areas of Antigua and Barbuda as a restricted area where he considers steps are necessary for the preservation and enhancement of the natural beauty of these areas, the protection of the flora and fauna and wrecks, the promotion of the enjoyment of the public and the promotion of scientific research and study (Section3). This law prohibits any person to “go in or alight upon” a restricted area (Section 3(2)). The Minister also has the authority to assign any person, Board, committee or body to manage and control the restricted areas (Section 5). The law also allows the Minister to promulgate regulations for the purpose of giving effect to this Act.

### **Maritime Areas Act, Cap 260 (1982) (Ant. & Barb.)**

This law applies to the territorial sea, contiguous zone continental shelf, exclusive economic zone and fishery zone of Antigua and Barbuda and established the sovereign rights of Antigua and Barbuda with respect to these areas. It sets forth provisions related to the passage of foreign ships and submarines through these areas. This law also requires ships to adhere to the international procedures and practices for safety at sea or for the prevention reduction and control of pollution from ships. The following sections are relevant to Protected Areas:

Section 13- which established sovereign rights in exclusive economic zones for the purpose of conservation and management of resources (both living and non living) and which establishes jurisdiction with regard to protection and preservation of the marine environment.

Section 14-states that Antigua and Barbuda must exercise the sovereign right and exclusive authority to explore and exploit, conserve and manage the fishery resources of the fishery zone and the submarine areas thereof in accordance with international law.

Section 15-States that Antigua and Barbuda must exercise sovereign rights in the continental shelf of Antigua for the purpose of exploration for, exploitation and management of natural resources. States that Antigua and Barbuda have the exclusive right to regulate, authorize and conduct marine scientific research in this area.

Section 28 of this law grants the Minister the authority to make regulations for the conservation of the living resources of the sea and for the preservation of the Marine

environment of Antigua and Barbuda and the prevention and control of pollution in areas pertaining to this law.

### **The National Parks Act, Chap. 290 (Ant. & Barb.)**

This Act provides for the establishment of National Park and a National Parks Authority. It also makes provisions for the preservation, protection, management and development of the historical and cultural heritage of, natural physical and ecological resources of Antigua and Barbuda. Several provisions of this Act are relevant to Protected Areas including the following:

Section 3-establishes the National Parks Authority

Section 4- sets forth the function of the National Parks Authority which includes the requirement to “preserve, protect, manage and develop the natural, physical and ecological resources ...of Antigua and Barbuda”. The Authority is also urged to cooperate to the greatest extent possible with departments, divisions and other Government agencies whose aims are related to those of the Authority.

Section 7-allows the National Parks Authority to appoint a Parks Commissioner who will manage the affairs and undertakings of the Authority.

Section 10-requires the Parks Commission to prepare and keep under review a plan for the management and development of National Park. The plan will include amongst other things, a statement of objectives and policies on matters relating to the protection and maintenance of natural resource and sensitive environmental areas. The plan will also specify the management and development measures to be taken in respect of the Park.

Section 11 through 19- discusses the funds and resources of the Authority

Section 20-authorizes the Minister to declare an area on land or water or both land and water to be a National Park.

Section 22-removes the authority of the Central Housing and Planning Authority, the Development Control Authority and Port Authority from issuing leases or granting permission, approval relating to any land or property within a Park.

Section 23-authorizes the Authority to acquire any private land that the Authority has determined necessary or desirable for the better carrying out of its functions under this Act.

Section 26- authorizes the Minister to make regulations to implement this Act.

Section 28-dissolves the Friends of the English Harbor and all references made to the Friends of the English Harbor in past laws or agreements will be read as the National Parks Authority.



**Oil Pollution of Maritime Areas Act, No.14 (1995) (Ant. & Barb.)**

This Act makes provisions to the discharge of oil into the maritime areas of Antigua and Barbuda and applies only to the maritime areas of Antigua and Barbuda. This Act penalizes the owner or master of any vessel from which the oil is discharged or allowed to escape. It allows the Port Manager to designate a place within Antigua and Barbuda at which ballast water may be discharged without penalty. It also requires owners of those being prosecuted under this Act to remain in Antigua until the proceedings are complete.

**Ratification of Treaties Act, Chap.364 (Ant. & Barb.)**

This law requires that Antigua and Barbuda ratify treaties to which it is a party in order for that treaty to enter into force with respect to Antigua and Barbuda.

**Wild Birds Protection Act, Chap.472 (Ant. & Barb.)**

This Act makes it an offense to willfully kill, wound or take any wild bird specified in Schedule A of the law. It is also an offense to take, remove, injure or destroy any nest or egg of such bird, to sell any such wild bird or any part of that bird, or to export or attempt to export the skin or plumage of any wild bird. Those convicted under this law will be subject to a fine.

**Public Parks Act, Chap.358 (Ant. & Barb.)**

This Act establishes a Public Parks Commission that is responsible for the management and preservation and enhancement of natural beauty in the areas designated in or under this Act as a Public Park. The commission also has the power to make provisions of accommodations for meals, refreshments, camping sites, and parking places in the Parks. This Act also authorizes the Minister to make regulation in order to carry out the provisions of this Act. Of relevance to Protected Areas, the Minister may make regulations for the prevention of damage to the land, and may prohibit or restrict the use of the land or generally in any manner specified in the regulations (Section 12). These regulations may be applicable to the land as a whole or to any part of the land and may make different provision for different parts of the land (Section 12).

**The Public Health Act, Chap.353 (Ant. & Barb.)**

This Act makes provisions to the public health of Antigua and Barbuda. It specifically establishes an Administration that will manage and carry out the laws of this Act. The law is very broad and sets forth rules regarding scavenging and cleansing, nuisances, keeping of animals, keeping proper privies, drains and public baths. It sets forth provisions for the demolition and closing of insanitary house, restrictions regarding food and drugs, bakeries, milk, ice-cream, ice and aerated water. The law also sets forth regulations regarding hotels, restaurants and other places where food is sold, and makes various provisions regarding infectious diseases. The Act also makes provision regarding school hygiene, and makes restrictions on treatment of venereal disease, offensive trades, slaughterhouses and markets, barber's and similar shops, factories and workshops, common lodging and barracks, and disposal of the dead. This law applies to Antigua and Barbuda.

**The Physical Planning Act, No.6 (2003) (Ant. & Barb.)**

This Act makes provisions for the development of land to preserve the amenities of such land. It also grants the permission to develop land and also grants the authority to control use of the land. The law restricts development of the land without a permit. The following provisions are relevant to Protected Areas:

Section 3 states that the objects and purposes of this Act are to “protect and conserve the cultural heritage of Antigua and Barbuda as it find expression in the natural and the build environment”

Section 5 establishes a Development control Authority (which consists of 11 members) to carry out function in the Act (*See also* First Schedule)

Section 10(3) requires the preparation of a development plan and states that the plan may “designate any area as being an area which, for reasons of flooding, erosion, subsidence, instability...conservation or other environmental considerations, should not be developed.

Section 22 requires an applicant to publish details of the application for permission to develop land in an environmental protection area

Section 46 allows the Minister to make a plant preservation order when it is determined that it is desirable for the environment, landscape or scientific or similar reasons that any land or group or species of plants ought to be preserved. The order must be served on the owner and occupier of the land. The order prevents the landowner and occupier from destroying the protected plant(s).

Section 53 allows the Town and Country Planner to cause a survey to be made to determine whether an area of the country should be declared an environmental protection area. But before declaring an area a protected area, the Town and Country Planner must take steps such as accepting public comments on the proposal and must consult with the Minister of the Environment. Factors that are considered in determining whether the area should be declared a protected area are found in subsection (3) (c)

Section 54 states the prohibitions that may be made pursuant to an Environmental Protection Order.

Section 55 requires that owners of privately owned land that is declared to be an environmental protection area be compensated

Section 56 Set forth what is to be included in the Environmental Protection Area management plan.

Section 57 requires a copy of every order made under the section for Environmental Protection to be conspicuously posted at every police station and post office in the country.

Section 67 states that where any person having an interest in land which an environmental protection area order has been made claims that the land is incapable of reasonable beneficial

use, that person may serve on the Attorney General a purchase notice, requiring the Crown to purchase the land. The Minister may cancel, modify or revoke a notice.

Section 81 states that the Minister may make regulation for implementing the provisions of this Act.

**The Barbuda Act, Chap. 42 (Ant. & Barb.)**

This law makes provisions for various subjects including allotment, buildings and provision grounds, regulations with respect to game and deer (requires a license to hunt deer), regulations with respect to taxes and the collection and payment of taxes, highways, enclosures and sanitation and coasting trade. This law only applies to the Island of Barbuda. This law requires licenses for various activities such as owning livestock, owning a dog and owning a boat.

## **Appendix 5**

### **Summary of Grenada's Environmental Laws**

#### **Abatement of Litter Act (Chap. 1) (1974)**

The Act discusses the fines & penalties for those caught in the act of littering. Littering is forbidden in any place in 'open air', including natural water courses and vacant private land.

#### **Agricultural Crops (Compensation) Act (Chap. 5) (1967)**

The Act establishes rates of compensation for total and partial destruction of crops, ornamental plants, and other trees. When parties disagree as to the compensation amount they can to the Director of Lands and Surveys for arbitration.

#### **Agricultural Fires Act (Chap. 6) (1951)**

The Act requires permission from the government is required prior to setting agricultural fires

#### **Agricultural Industries Protection Act (Chap. 7) (1925)**

Exportation of plants from Grenada may be prohibited by the Minister if he believes the prohibition will aid in establishing or extending any agricultural industry in Grenada. 'Plant' is defined is broadly as any plant matter capable of propagation. Customs officers are authorized to search for prohibited plant material.

#### **Airports Authority Act (Chap. 12) (1985)**

The Act states the purpose of the Board of Directors of the Airport Authority. This article enumerates the powers of said board. The Act allows the Minister to implement measures necessary to limit noise and vibration or to mitigate noise and vibration, and permits the killing of any animal trespassing at an airport.

**Airport Service Charge Regulations Act (Chap. 12) (1987)**

The Act imposes fines for improper uses of vehicles in the airport, including parking in restricted areas, speeding, etc.

**Animals (Diseases and Importation) Act (Chap. 15) (1953)**

The Act requires the presence of diseased animals to be reported to an Inspector . The act gives power to the Inspector to declare areas containing a diseased species ‘infected’. The inspector can order diseased animals and animals within infected areas to be slaughtered. The Minister has the power to make regulations to cleanse and disinfect infected areas. The act also requires licenses for the importation of all birds reptiles and insects into Grenada.

**Bathing Places Act (Chap. 28) (1903)**

The Act reserves certain areas of bays and beaches for public bathing.

**Beach Protection Act (Chap. 29) (1979)**

The Act prohibits the removal of sand, shingle or gravel from the seashore.

**Birds and Other Wildlife (Protection) Act (Chap. 34) (1957)**

The Act speaks to the protection of wild birds, which it defines as all birds other than domestic fowl, and lobsters, turtles, oysters and fish. The Act divides birds into two schedules. The Act prohibits taking of any first schedule bird. Limitations are provided for taking of lobsters, oysters, fish and second schedule birds.

**Botanical Gardens (Ch. 35): NOT ON APPENDIX LIST**

The act invests power in the Minister to administer funds, etc. for botanical gardens.

**National Botanic and Zoological Gardens Rules (Chap. 35) (1968)**

The Act limits activities within National Botanic and Zoological Gardens.

**Carriacou Land Settlement and Development Act (Chap. 42) (1955)**

The Act allots the power of the board (real estate board) to allow persons to obtain & sell properties, set prices, taxes, etc. The board has power to zone certain areas.

### **Crown Lands Rules (Chap. 73) (1896)**

Describes lands owned by the crown. The Act states that crown land management will be paid for by taxes of the people. The Act reserves land and subsurface mineral rights, to the Queen. The Act states that the crown reserves the right to change any easements.

**Crown Lands Subsidiary (Chap. 73 Cont.)** Addresses a variety of regulations pertaining to Crown Lands. It speaks directly to apportioning lots for sale to individuals, treatment of farming and pastures, and lands for the Crown's enjoyment. The Act includes regulations for government pastures in Grenada including the variety of permitted land uses, permitted animals, and disposal of carcasses. The sections most relevant to development/protected areas are section 11, which regulates timber usage, section 17, which requires reservations for riparian areas and sections 18-21, which requires land surveys to be developed and sold.

### **Crown Proceedings Act (Chap. 74) (1959)**

The Act establishes the procedure for bringing a suit against the Crown or an individual(s) who represents the crown.

### **Crown Lands Forest Produce Rules (Chap. 116)**

The Act provides the permitting procedure for the removal of forest produce from the Crown Lands.

### **Environmental Levy Act, No. 29 (1996)**

The Act imposes an environmental levy on visitors, residents, haulage servicers and the importers of various goods to Grenada.

### **Fisheries Act (Chap. 108) (1986)**

The act provides comprehensive fisheries regulations. The Act requires the Minister to create a Fisheries management plan for the sustainable management of the fishery. The act requires fishing licenses for all fishing activities in Grenada. The Act allows the Minister to create fishing zones and marine reserves. Marine reserves can be created when the Minister considers special measures necessary to preserve habitats and breeding grounds of marine life- particularly those in danger of extinction; to allow regeneration of depleted marine life; to promote scientific study; to enhance natural beauty. Within a marine reserve permission must be granted before fishing/ attempted fishing, taking of marine fauna and flora, disturbing altering or destroying the natural environment and the construction of any structures.

### **Grand Etang Forest Reserve Act (Chap. 124) (1906)**

The Act creates the Grand Etang Forest Reserve for the public purpose of conservation.

### **Grenada Forest Management Project-Phase II**

#### **Forestry and Wildlife Legislation Review (October 2003)**

#### **Maria Teresa Cirelli and Rosalyn E. Wilkinson**

This article discusses implementation of Grenada's Department of Forestry for preserving its forests. It discusses the necessity of creating a Management Plan to protect these forests. Furthermore, there is a list of protected areas which include the following:

- a. biodiversity,
- b. conservation of sites of special scientific interest,
- c. preservation of natural beauty of the area,
- d. creation of a recreational area,
- e. preservation of a historic landmark or a place or object of historic, prehistoric, archaeological, cultural, or scientific importance.

Not only are currently protected areas mentioned, but areas which the forestry management deems need be protected, are enumerated. Part 5 of this article speaks to the necessity of protecting areas which may be prone to landslides, soil erosion, preservation of health, and areas of interest.

Article 6 discusses the need to impose sanctions or create a fee schedule for those who commit the following acts in a list of protected areas. The list enumerated in Article 6 is as follows:

Article 7 discusses permits which allow for individuals to do any of the aforementioned acts in protected areas. Articles 8-12 discuss a range of issues, such as wildlife raising and harvesting, prevention of fires, application for permits, and miscellaneous, which are not particularly tailored to protected areas.

#### **Grenada Solid Waste Management Authority Act, No. 11 (1995)**

The Act creates the Solid Waste Management Authority and enumerates their powers and procedures.

#### **Housing (Hurricane Damage) Loans Act (Chap. 142) (1957)**

The Act gives the Housing Authority the power to approve individual loans for those persons who have been injured (in particular those whose losses are housing related) due to hurricanes. This has limited application to protected areas; it would only apply to a developed protected area, which has houses or other structures.

#### **Land Acquisition Act (Chap. 159) (1945)**

The Act states that the Governor General may acquire land for the public purpose through a declaration in the Gazette. The Governor General may also investigate land he believes may be required for a public purpose. Permitted activities for the investigation include, entering and surveying the land, digging the sub soil, setting boundaries, marking levels cutting trenches, clear away standing crops, trees and bushes and other incidental



activities. Reasonable notice must be given for the acquisition of land and prior to investigation. The Government must adequately compensate individuals for their land, and for any damage caused to land during an investigation

### **Land Development Control Act (Chap. 160)**

The Act states that no person may develop land in Grenada without prior permission from the Development Control Authority. . Developing the land is defined to include: laying water pipes, clearing/leveling land, filling ravines and swamps and other preparatory work to make way for development.

### **Land Development Regulations (Chap. 160) (1988)**

The Act imposes land development regulations. It gives minimal lot sizes, floor spacing, and usage for the following: residential buildings, hotels, business buildings, and other buildings.

### **Land Settlement Act (Chap. 161) (1933)**

The Act states that the Governor may acquire land from private parties, voluntarily or compulsorily in compliance with the Land Acquisition Act, to create a land settlement area, used to establish small holdings. The act lays out regulations for the tenants of a land settlement area.

### **Land Settlement (Point Saline) Regulations (Chap. 161)**

The Act provides necessary steps to be taken prior to acquiring land previously determined to be used for settlement. Under this article the person(s) wishing to settle this land are to survey the land, create a plot, register the land, and obtain permission to build. This article discusses the fee schedule to obtain such permission.

### **National Heritage Protection Act (Chap. 204) (1990)**

The Act requires licenses for the extraction and excavation of Pre-Columbian artifacts, archeological remains and Amerindian art work in protected areas. (Protected areas include all the Crown lands situated in Pearls at St. Andrew).

#### **National Disaster (Emergency Powers) Act (Chap. 203) (1984)**

The Act gives the power to the Prime Minister to declare National Disasters. Once declared, power is given to the Prime Minister to control and regulate commerce, including transportation, sales of food & liquor, water regulation, and the usage of electricity and gas. The Prime Minister may also assume property to be condemned and repaired..

#### **National Parks and Protected Areas (Chap. 206) (1991)**

The Act governs the creation and management of National Parks and protected areas. The Act states that protected areas may be created for purposes of a) protecting natural beauty, including flora & fauna, b) creating a recreational area, c) commemorating an historic even of national importance, or d) preserving a historic landmark or a place or object of historic, prehistoric, archaeological, cultural, or scientific importance. Within the National Parks system the Minister can make general regulations regarding: preservation of flora and fauna; prohibition/ regulation of hunting and shooting; preservation and maintenance of water supplies; prevention of soil erosion and deposition of material into water; prevention of fires; marking of surveys, entry and movement of people and animals; construction and maintenance of public utilities and roadways; regulation of transportation, trade, business and development.

#### **National Trust Act (Chap. 207) (1967)**

The Act creates the Grenada National Trust as a body politic and corporate. Its purpose is to preserve places or historic or archeological interest. Activities include listing of buildings, monuments and places of natural beauty including plant and animal life; raising awareness about the beauty and value of Grenada's heritage; acquisition of property for the benefit people of Grenada; promoting and preserving submarine areas with natural beauty or natural interest, and preservation of their natural aspect and features of plant and marine life.

### **National Water and Sewerage Authority Act (Chap. 208) (1995)**

The Act establishes the National Water and Sewerage Authority, and gives them full power and authority over all surface and underground waterways in Grenada. The Act states that the Authority shall take any action necessary to conserve, augment or distribute water resources; and to maintain and improve sewerage systems. The Act also allows the Minister to can declare a protected area in any area where special measures are deemed necessary to protect the public water supply.

### **Noxious Weeds Act (Chap. 213) (1912)**

The Act allows the Minister, with consent of the House of Representatives, to impose regulations: imposing on a landowner/occupier a duty to keep his land clear of noxious weeds; prescribing the manner of noxious weed eradication; empowering an inspector to enter land and direct the clearing of weeds; prescribing forms of notice to be given to land owners; empowering inspectors to eradicate weeds in cases of default compliance; providing costs for non-compliant landowners/occupiers; preventing the introduction of noxious weeds into Grenada; preventing the spread of noxious weeds.

### **Oil Pollution: Damage Compensation Fund**

**(Act 7 of 1998): NOT ON APPENDIX**

The Act creates liability for a ship which has an oil spill.

### **Oil Pollution Damage Compensation Fund Act, No. 6 (1998)**

The Act creates civil liability for oil pollution. Liability is extended to the territorial seas and exclusive economic zone of the Grenada.

### **Oyster Fishery Act (Chap. 223) (1983)**

The Act imposes regulations on oyster harvest.

### **Participation in the Caribbean,**

**A Review of Grenada's Forest Policy Process (Chap. 238) (2000)**

### **Stephen Bass, IIED**

The central issue to this essay is that Grenada needs to protect its forests. These forests are 30% of Grenada's land mass and the interested parties, millers, persons using these forests as firewood, tourist, and other industries are being hurt by deforestation. (3-7). Once the issue of deforestation was placed in front of the government, the second step was a meeting to get all players involved, which was accomplished and began the discourse that created this framework. (15). Once the players were on board with creating a collective agenda, issues were brought to the table. One such example was the first act to limit the deforestation of the Grand Etang Forest (23). Viewed as a success, the Grand Etang forest issue became a catapult to limit deforestation in other sites (25-6), including the consensus to bring deforestation to a halt by 2010 where possible. Finally, the key to success of limiting deforestation is to bring all players aboard, develop goals together, and create a strategy for implementation of these goals. This was accomplished (28-30).

The ultimate goal of the project is to get involved beginning from the bottom up. As such the first step of implementation is to get locals on board via community education. (35). This step will be initiated by the local entities which own interests in the forests.

Annex 1 adds teeth to this policy. It is entitled "Forest Policy for Grenada, Carriacou, and Petit Martinique." (45). The essential articles are 4 and 5. Article 4 lists the protected species. Article 5 designates the manners in which these species are to be protected. This section mostly defines the role of the Grenadian government in creating a universal plan to stop deforestation.

### **Pesticides Control Act (Ch. 238) (1973)**

The Act restricts the use of certain pesticides. It also imposes regulations on labeling, sales, and importation of pesticides. The Act gives the authority to the Inspector to determine which pesticides are to be regulated.

### **Physical Planning and Development Control Act, No. 25 (2002)**

The Act mandates the creations of a physical plan for Grenada, prepared by the Physical Planning Unit and approved by the Authority. The plan must set out integrated land use prescriptions and include maps to illustrate all proposals. The plan may allocate land for

a variety of uses including conservation, agriculture, tourism and industry. The plan may make provision for the development of infrastructure, public buildings, open space and other public uses.

The Act also empowers the Planning and Development Authority to function as the national service for the identification, protection, conservation and rehabilitation of the natural and cultural heritage of Grenada in accordance with UNESCO's Convention for the Protection of World and Cultural Heritage. The Act establishes the Natural and Cultural Heritage Committee to advise the Authority about issues including: listing sites of interest; issuing interim preservation orders; compiling lists of places of natural beauty and declare such areas to be environmental protection areas, determining applications for land development in environmental protection areas; incorporating the protection, conservation and rehabilitation of natural and cultural heritage into planning policies at all levels; issuing abatement notices for the preservation of amenities.

#### **Plant Protection Act, No. 19 (1986)**

The Act imposes limitations on importation of plants and plant materials and plant pests into Grenada when necessary to protect the agricultural resources of Grenada.

#### **Ports Regulation (Chap. 247) (1981)**

The Act imposes regulations relating to ports including, the mooring of ships, importation/exportation, work hours, usage of transportation,.

#### **Ports Authority Act (Chap. 247)**

This Act establishes the Port Authority and authorizes certain responsibilities.

#### **Prohibition of Bird Exportation Act No. 9 (1991)**

This Act limits the exportation of birds from Grenada. No species are enumerated .

### **Protected Forests Rules (Chap. 129) (1958)**

The Act establishes regulations for Protected Forests. Within a Protected Forest it is prohibited to injure a tree in any way; depasture, or permit to trespass any domestic farm animal; carry or create a fire; damage or remove a boundary mark; plant a annual crop; counterfeit a mark made by a forestry officer.

### **Protection from Disease (Plants) Act (Chap. 258) (1925)**

This Act gives the Minister power to declare any area, district or parcel of land to be infected with plant disease. He may prescribe: isolation through fences/ ditches; destruction, removal and disposal of plants and plant products; cleaning and disinfecting in the district; a period in which it will be unlawful to plant or replant any plants/ certain prescribed plants; measures to be taken to be taken for the treatment of any disease. He may prohibit / regulate the movement of people and animals into the area, and the removal and carriage of soil, earth, manure, vegetable products etc. Officers may enter onto any land whatsoever to do any act which might be expedient to fulfill the provisions of this act.

### **Public Health Act (Chap. 263) (1925)**

The Act declares certain things as nuisances which must be abated including: any pool ditch/ drain that is injurious to human health; any animal injurious to human health; any mosquito larvae or collection of water in any place or building used for human habitation that is likely to harbor mosquito larvae. The Sanitary Committee additionally declares certain types of vegetation to qualify as a nuisance. The Act also prohibits other public health hazards including polluting the waters of any stream with any noxious polluting matter and the negligent deposition of rubbish in any public place.

### **Quarantine Act (Chap. 271) (1947)**

The Act is concerned with the quarantine of ships and merchandise upon arrival in Grenada.

### **Roads Act (Chap. 290) (1932)**

The Act empowers the Minister execute road schemes, and allows the government to take private property for roads so long as they pay appropriate compensation. The Act allows the Road Authority and its employees to search for, dig, cut and remove from any land, any water, timber, brushwood, stone, gravel, clay or other materials for any purpose pertaining to road management/ maintenance. The Authority, subject to the approval of the Minister, may also make orders to direct any river or watercourse to be maintained in good order for the protection of bridges, aqueducts and embankments.

### **Slum Clearance and Housing Act (Chap. 306) (1946)**

This Act empowers the Housing Board to clear and redevelop slum housing areas

### **Territorial Sea and Maritime Boundaries (Chap. 318) (1991)**

This Act states the jurisdiction of the Territorial Seas, Continental Shelf, Exclusive Economic Zone, and other bodies of water in the jurisdiction of Grenada. The most pertinent power discussed is that of regulating pollution both from interior and exterior sources. This article allots power to fine/imprison persons guilty of polluting such areas to the Minister.

### **Tourist Board Act (Chap. 321) 1993)**

The Act empowers the Tourist Board to determine fees and other charges for persons who are not Grenadian residents, who participate in tourism. The Act empowers the Board to make regulations providing for protecting, promoting and improving of tourism in Grenada, Carriacou and Petit Martinique, and to control and eliminate any factors negatively affecting tourism in these areas. The Act also creates Beach Patrol Guards to police the beach.

### **Trade (Non-Returnable Container) Levy Act, No. 32 (1993)**

This Act imposes a surcharge for the purchase of beverages sold in containers. The method to obtain repayment for said containers is to recycle

### **Wild Animals and Bird Sanctuaries Act (Ch. 339) (1928)**

The Act creates Wild Animals and Bird Sanctuaries in Government lands described in the Grand Etang Forest Act .Inside a sanctuary it is forbidden to kill, wound or take any wild animal or bird, or to attempt to do so; or to set any sort of trap for them, or to carry a firearm.



**Appendix 6**  
**Laws, Regulations and Reports**  
**St. Kitts and Nevis**

National Conservation and Environmental Protection Act (Amendment), No. 12 (1996) (Kn.).

The Maritime Areas Act, No. 3 (1984) (Kn.).

Randall S. Abate and Kelley M. Jancaitis, Review of the Policy, Legal, and Institutional Arrangements for Protected Areas in St. Kitts and Nevis.

National Conservation and Environment Protection Act, No. 5 (1987) (Kn.).

Development Control and Planning Act, No. 14 (2000) (Kn.).

National Conservation and Environmental Protection Act (Amendment), No. 21 (2001) (Kn.).

National Assembly Bill, National Conservation and Environmental Management Bill (2005) (Kn.).

Development Control and Planning Act (Rectification) Order, No. 2 (2005) (Kn.).

The Frigate Bay Development Corporation Act, No. 13 (1972).

The Public Health Act, No. 22 (1969).

## **Appendix 7**

### **Summary of St. Lucia's Environmental Laws**

#### **St. Lucia Nat'l Trust Act, No. 16 (1975) (St. Lucia)**

This Act establishes a corporate body known as the St. Lucia National Trust for purposes of preserving submarine and subterranean areas of beauty or natural historic interests or importance. Relevant to Protected Areas, this law makes preservation of flora and fauna, submarine and subterranean areas an objective of the Trust. (Section 4). Section 14 of the law sets forth various prohibitions such as prohibiting any person from cutting or removing any plant from designated areas and prohibiting the lighting of fire on protected property. To manage this Trust, the Act creates a Council sets forth the rules and privileges of the Trust. Possible Conflicting Provisions with current Framework law:

Section 6. Council of Trust. This section establishes a Council of Trust that will administer all the affairs of the Trust.

Section 11: Borrowing Powers. Trust may (w/approval of Cabinet) raise money by borrowing and charging or appropriating as security money borrowed from rents, profits, income derived from land in the trust.

#### **Beach Protection Act, No. 2 (1967). (Amended by No. 9 of 1984) (Revised Dec. 31, 2001)**

This Act provides for the protection and control of beaches and the seashore. It prohibits activities such as digging, stockpiling, take or carry way sand, stone, shingle or gravel from any beach, seashore or floor of the sea without a permit from the Chief Engineer. This Act also makes it an offense to foul any part of the seashore of St. Lucia by the depositing garbage or other waste.

#### **Maritime Areas Act, No. 6 (1984) (St. Lucia) ( Revised Dec. 31 2001)**

This Act sets forth provisions with respect to the territorial sea and continental shelf of St. Lucia. It establishes a Contiguous and Exclusive Economic Zone off the shore of St. Lucia. This Act also provides for delimitation of the continental shelf and exclusive economic zone in certain cases and sets forth the privileges of St. Lucia and prohibitions in regards to the exclusive economic zone. Pertinent to Protected Areas are the following sections:

Section 12 (1)(a) Sovereign Rights. This section gives St. Lucia the right to use exclusive economic zone for marine scientific research and preservation of the marine environment.

Section 12 (2)(a) Grants St. Lucia exclusive rights to conduct, authorize or regulate marine scientific research in the continental shelf. Also gives St. Lucia sovereign rights for the purpose of exploration, exploitation management and conservation of natural resources.

Section 14 (1)(a) Prohibits any marine scientific research within the limits of the Continental shelf

Section 14 (1)(b) Prohibits any marine scientific research within the limits of the exclusive economic zone.

Section 16 (3)(b) requires vessels to comply with regulations, any enactment, order or direction which have effect in the territorial sea with respect to the preservation of the environment and the prevention, reduction and control of pollution and marine scientific research.

Section 18 prohibits proscribed activities , which includes any willful act of pollution calculated or likely to cause damage or harm to St. Lucia, its resources or its marine environment (Section 15), in the territorial sea.

Section 29 allows for regulations to be made with respect to the territorial sea and continental shelf for the prescribing measures for the protection and preservation of the marine environment of the territorial sea.

#### **Minerals (Vesting) Act, No. 7 (1989)(St. Lucia). (Revised Dec. 31, 2001)**

This act is to vest in the Crown all minerals in the Island. Specifically, it states that all minerals in, on or under any land of ownership or tenure are vested in and subject to the control of the Crown. It also requires that a license to mine any minerals and for royalties of the minerals mined to be paid to the Government.

#### **Merchant Shipping (Oil Pollution) Act, No. 11 (1996) (St. Lucia)**

The Act makes owners of ships civilly liable for oil contamination in the area of St. Lucia caused by their ship(s) and also sets forth exceptions for when owners would not be liable, such as oil contamination due to war, natural phenomenon's or due to Government negligence while maintaining lights or other navigational aids. This Act also makes St. Lucia a party to the Fund Convention (1971 International Convention on the Establishment of an Oil Pollution Compensation Fund) and requires importers of oil into St. Lucia to make contributions to this Fund. (Part II, Section 20). The Fund is liable to a person suffering damage as a result of an oil contamination, if they are not able to recover from the person liable under Part I, Section 3. (Part II, Section 22).

#### **Plant Protection Act, No. 21 (1998) (St. Lucia)**

The purpose of this Act is to provide for control of pests and diseases that may cause harm to plants, and to prevent the introduction of non-native plants into St. Lucia. The Act requires permits for the importation of plants, animals, fruits, vegetables and any other type of planting material (pesticides, soil, etc...). It also grants the Government of St. Lucia the power to quarantine, remove or destroy plants that may violate this act and requires owners or occupiers of land to report any visible pest to plants on its property to the Minister.

### **Plant Protection Act (Revised Dec. 31, 2001)**

This Act consolidates the Plant Protection Act, No. 21 of 1988, Plant Protection (Banana Aerial Spraying Levy) Order-Section 26, Plant Protection Services (Overtime Payment) Order-Section 36 and Plant Protection Regulations-Section 36. With respect to the Plant Protection Act no new provisions have been added. The Plant protection (Banana Aerial Spraying Levy) Order imposes a levy on all bananas exported outside of St. Lucia. The Plant Protection Services (Overtime Payment) Order articulates new standards for paying overtime. The Regulations do not set forth rules pertaining to protected areas.

### **Wildlife Protection Act, No. 9 (1980) (St. Lucia).(Revised Dec. 31, 2001)**

This Act aims to make provisions for the protection, conservation and management of Wildlife in St. Lucia. It grants the government of St. Lucia to establish a wildlife reserve and to protect certain wildlife. It sets forth three categories of wildlife: Wildlife as provided in Schedule 1 (Mammals & Reptiles, Birds, Partially Protected Wildlife as Provided in Schedule 2 (Birds) and Unprotected Wildlife as provided in Schedule 3 (serpents, mice, rats, mongoose). This Act requires license or permits for activities such as hunting, taking wildlife into captivity or to import/export wildlife into or from St. Lucia and allows punishment (by fine or imprisonment) for violation of this Act.

### **Public Health Act, No. 8 (1975) (St. Lucia).(Revised Dec. 31, 2001)**

This Act consolidates and amends laws relating to Public Health of St. Lucia. The Act allows the Minister of Health to divide the Island of St. Lucia into areas and districts for the purpose of promoting and preserving the health of the inhabitants of St. Lucia (No geographical restriction of application). This law grants the power to the Minister to regulate the sanitary conditions of various industries (such as cemeteries, sewage disposals, slaughtering of animals, etc.) and also sets forth penalties and other liabilities for violation of this Act. Of potential relevance to a Protected Areas law, this Act grants the Minister the power to inspect beaches for sanitary conditions and the power to control and destroy insects, mosquitoes, rodents and other vermin (Section 9).

### **National Conservation Authority Act, No. 16 (1999) (St. Lucia) (Revised December 31, 2001)**

This Act creates a National Conservation Authority to designate and manage Protected Areas in St. Lucia. This law does not apply to the protection of buildings or historical sites that would be governed by the St. Lucia Nat'l Trust Act, but does apply to beaches, parks and other lands. The law prohibits activities on protected areas such as conducting business on protected areas with a license and prohibiting a person from damaging a beach or protected area (Section 27 and Section 29). The Act also sets forth penalties by fine or imprisonment for the violation of this Act. Several provisions of this Act pertain to protected areas. Specifically the following provisions:

Section 3 states that the Minister may by order declare an area of land, or water in St. Lucia to be a protected area and states that land declared as a protected area is vested in the Government and dedicated to the people of St. Lucia.

Section 4, creates a corporate body known as the National Conservation Authority which manages the Protected Areas and issues permits or licenses to operate business in a Protected Area.

Sections 5 and 6 create a board to manage the Protected Areas and discuss how the board and management of the Protected Areas will be financed.

Section 7 states that the functions of the Authority are to conserve the natural beauty and topographic features of St. Lucia and to control, maintain or develop a beach or protected area or a public access to a beach or protected area, and to beautify a protected area with flora and fauna.

Section 15 requires a person to apply for a license to operate a business in a protected area and also allows the Authority to deny a license if it is satisfied that the number of licensed vendors in a protected area exceeds a certain limit.

#### **Agricultural Small Tenancies Act, No. 22 (1983)(St. Lucia). (Revised Dec. 31, 2001)**

This act relates to agricultural small tenancies. It requires a contract of tenancy in order to let a piece of land. It also requires that landlords to deliver a signed copy of such contract to the tenant and send a copy of the lease to the Director of Agricultural Services. This Act also sets forth various provisions regarding terminating the contract of tenancy and compensation. In addition, it has a special provision that relates to trees and allows landlords to retain the exclusive rights of trees or the fruit of the trees on its property (Section 31).

#### **Water and Sewerage Act, No. 13 (1999)(St. Lucia). (Revised Dec. 31, 2001)**

This Act establishes a National Water and Sewerage Commission to regulate the granting of licenses, it also articulates provisions for the development and control water supply and sewerage facilities. One of the functions of this Commission is to regulate standards in respect of water abstraction, environmental considerations and water quality. With respect to protected areas, this act requires that all gathering grounds (any surface of land or device which collects rainfall for the purpose of the water works - Section 2) be retained as forest reserves or protected forests (Section 10). Section 11 -12 require that the Water and Sewerage Company ("First Company") request the Minister to declare gathering ground as a forest reserve or a protected forest when by reason of deforestation or the presence of animals, the storage capacity or sanitation of the gathering ground is threatened.

#### **Water and Sewerage Regulations (1995)(St. Lucia).**

These regulations primarily pertain to regulation of sewerage facilities and make no mention of protected areas.

**Crown Lands Act, No. 7 (1945)(St. Lucia). (Revised Dec. 31, 2001)**

This Act consolidates laws relating to the survey and disposal of crown lands and of vacant lands. It vests all power and authority in respect to such surveying and disposal of Crown lands in St. Lucia and states that it will be exercised by the Governor General. This Act also makes it lawful for the Commissioner to enter upon and survey any land adjoining Crown lands for the purpose of ascertaining whether crown lands have been encroached upon (Section 5). It also sets forth various provisions that discuss the registration of crown lands, validating registration of certain grants, protecting crown lands, and vacant lands.

**St. Lucia Solid Waste Management Authority Act, No. 20 (1996) (St. Lucia) (Amended by No. 2 of 1997) (Revised Dec. 31, 2001)**

This Act establishes the St. Lucia Solid Waste Management Authority which is in charge of coordinating systems for the collection, treatment, recycling and disposal of solid waste, including hazardous waste. The Authority also undertakes the management of sanitary landfills. Section 26 of this Act imposes an environmental levy on all visitors of St. Lucia. The levy will be collected at all air and sea ports. Section 29 requires that a person pay a tipping fee to unload any container containing solid waste. Other provisions in this act relate to the funds of the Authority, legal proceeding and penalties for violating this act.

**Oil in Navigable Waters Act, No. 8 (1929) (St. Lucia) (Amended by No. 6 of 1988) (Revised Dec. 21, 2001)**

This Act makes provisions against the discharge or escape of oil into the territorial waters of St. Lucia. It also sets forth penalties for allowing such discharge or escape, whether directly or indirectly, of oil into the sea. This law prohibits the transfer of oil at night and requires the keeping of records with respect to oil transfer. Other provisions of this act relate to the power of the Port Authority to inspect vessels.

**Employees (Occupational Health and Safety) Act, No. 10 (1985) (St. Lucia) (Revised Dec. 31 2001)**

This Act articulates new standards of occupational health and safety in places of employment. These standards are broad and relate to different areas of Health such as cleanliness, disposal of wastes and effluents, ventilation and temperature, overcrowding. They also relate to different areas of safety such as guarding of machinery, operating and cleaning of machinery, toxic substances, and meals in certain dangerous trades. It does not make any provisions related to protected areas.

**Fisheries Act, No. 10 (1984) (St. Lucia) (Revised Dec. 31. 2001)**

This Act sets forth provisions for the promotion and regulation of fishing and fisheries in the fishery waters of St. Lucia. Specifically, it authorizes the Minister to appoint a

Fisheries Advisory Committee to advise on the management and development of fisheries. Relevant to protected areas is section 22 allows the Minister by Order to declare any area of the fishery waters, any adjacent or surrounding land to be a marine reserve where he or she considers that special measures are necessary to preserve and enhance the natural beauty of such areas. This section also lays out activities that require permits in order to be conducted in the reserve.

The Fishing Regulations, which are also included in the revised addition of this Act, set forth various provisions related to conservation measures. Particularly relevant to protected areas are section 45 which prohibits the pollution of the estuarine or marine waters of St. Lucia, and section 46 which requires written permission of the Chief of Fisheries in order to use a marine reserve for recreational or other purposes.

**Forest, Soil and Water Conservation Act, No. 6 (1945) (St. Lucia)**  
**(Revised Dec. 31, 2001)**

This Act articulates provisions relating to the conservation of the forest, soil and water resources of St. Lucia. It authorizes the Governor to appoint a Chief Forest Officer who is in charge of the management of the crown lands and carrying out the provisions of this Act. The following sections are relevant to protected areas:

Section 19 -authorizes the Governor to declare any crown land to be a forest reserve.

Section 20-requires the Chief Forest Officer to mark out the boundaries of the forest reserve.

Section 21- authorizes the Governor to declare any lands other than Crown lands to be a protected forest for certain purposes laid out in this section.

Section 22-authorizes the Governor to make rules to regulate or prohibit certain activities in protected forests.

Section 23 -grants the power for any forest officer to enter any protected forest at any time without notice to inspect the area and to carry out surveys

Section 24-entitles the owner of a protected forest to remission of any land tax and or compensation so long as he or she complies with rule made by the minister.

Section 25-allows the State to acquire protected forest owned by someone other than the crown when that person has not complied with the rules made by the minister or when the Minister considers the protected forest should be acquired for public interest.

Section 26-holds occupier or owner of any land to be a protected forest liable for any act committed contrary to the rule made by the Governor.

Section 27 –allows the owner of any land to voluntarily request in writing to the Chief of Forest Officer his or her desire to have their land protected and subject to the relevant provisions of this Act.

Section 28- authorizes the Governor to declare certain land prohibited areas.

### **Land Conservation and Improvement Act, No. 10 (1992) (St. Lucia)**

This law sets forth provisions for the conservation of land in St. Lucia. It also established a Conservation Board for various functions stated in section 4. Section 12 of this Act allows the Conservation Board to declare any lands including crown lands to be a conservation area. It also authorizes the Board to enter at any time during daylight any land for the purposes of inspection for compliance with the provisions of this Act.(section 14). Section 16 allows any person who has an interest in any land within an area affected by this Act to apply for compensation. This law also sets forth various provisions relating to the management of funds of the board.

### **Litter Act, No. 24 (1983)(St. Lucia) (Revised Dec. 31, 2001)**

The Litter Act makes it an offense for any person to throw down, drop or otherwise deposit litter in or on any public place. This law also designates a Litter Prevention Warden who has the authority to enforce the provisions of this Act, and who may require a person depositing litter in a public place to remove the litter to the nearest approved site. The Warden may also issue a clean up order to the owner of any premises to remove the litter within a prescribed time.

### **Education Act, No. 41 (1999) (St. Lucia)**

This act articulates regulatory system for an educational system in St. Lucia. In general, the law sets forth various provisions relating to the responsibilities of the Chief Education Officer, the establishment and functions of the Education Advisory Board, the rights and responsibilities of students and parents, the administration of educational institutions, the categories of schools and the stages of education, technical and vocation education, the duties and responsibilities of professors and the curriculum of the students. It is unclear how this Act would pertain to Protected Areas, but it does state that one of its goals is to increase awareness and appreciation of the natural environment of the State and that the curriculum of the students should aim to incorporate the goals of this act.



## **Appendix 8**

### **Summary of Environmental Law of St. Vincent and the Grenadines**

#### **Aboriginal Subsistence Whaling Regulations (2003) (St. Vincent)**

These regulations were made pursuant to section 45 of the Fisheries Act (Cap. 52). The regulations require a whaling permit for any whaling activity. . Permits may be denied for five reasons. The regulations also include procedures for whaling, and the use of whale meat, and the declaration of seasonal whaling restrictions.

#### **Protocol on Status, Privileges and Immunities of the Caribbean Court of Justice and the Regional Judicial and Legal Services Commission Act, No.48 (2004) (St. Vincent)**

The Act gives the ‘Protocol on the Status, Privileges and Immunities of the Caribbean Court of Justice and the Regional Judicial and Legal Services Commission’ (“Protocol”) the force of law in St. Vincent and the Grenadines. This law also allows Minister to declare, by order, immunities at certain times to Judges, officers of the Court, and Members of the Commission.

#### **Finance Administration Act, No. 28 (2004) (St. Vincent)**

The Act provides for the management and control of public money. It also sets forth provisions for the operation and control of the Consolidated Fund (where all public monies must be deposited) and the establishment of a Contingencies Fund.

#### **Maritime Security Act, No.5 (2002) (St. Vincent)**

The Act gives effect to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988) and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf (1988). The Act sets forth provisions that prohibit the hijacking of ships, seizing or exercising control of platforms, and destruction of ships or platforms.

#### **The Montreal Protocol (Substances that Deplete the Ozone Layer) Act, No.49 (2003) (St. Vincent)**

The Act gives effect to the Montreal Protocol on Substances that Deplete the Ozone Layer, establishing an agreement between parties to control consumption of substances that contribute to the depletion of the ozone.

#### **Plant Protection Act, No.16 (2005) (St. Vincent)**

The Act aims to prevent the introduction of, and control the spread of, plant pests, in order to protect plant resources and to facilitate trade in plants and plant products. The Act allows the Governor General to regulate: the transportation, import, export and cultivation of plants and plant material where necessary to prevent the spread of plant disease. The Governor General may also authorize quarantine areas and the disinfecting or destruction of plants. The Act allows plant protection officers to enter private property and look for infected plants, and requires land owners to report the presence of any infected plant.

**Caribbean Court of Justice Act, No. 32 (2004) (St. Vincent).**

The Act establishes jurisdiction for the Caribbean Court of Justice in St. Vincent and the Grenadines.

**Beach Protection Act, No.20 (1987) (St. Vincent)**

The Act prohibits digging, taking or carrying away of sand, coral, stones, shingles or gravel from any part of the beach or sea bed. The Act allows any person having property bordering the sea to take a reasonable quantity of sand or gravel from the beach for their own bonafide use.

**Marine Parks Act, No. 9 (1997) (St. Vincent)**

The Act allows the Minister to create a Marine Park in any marine area, and adjoining land through order in the Gazette. The Act establishes the Marine Parks Board to issue permits, preserve and enhance the natural beauty of Marine Parks, to promote scientific study and research, and to regulate the use of the parks. Certain prohibitions exist within a Marine Park including: fishing in the sea without a permit, the removal of any object, the removal or damage to any facility or equipment, the damage or impairment of flora or fauna, the damage of substrata and the causation of air or water pollution by any negligent act or omission.

**Central Water and Sewerage Authority Act, No. 20 (1987) (St. Vincent)**

The purpose of this Act is to make better provisions for the conservation, control, apportionment and use of the water resources of St. Vincent and the Grenadines. This Act establishes a Central Water and Sewerage Authority who has the authority to carry out the provisions of this act. Its functions are listed in Section 8 of this Act and include the power to investigate water resources on the Islands and to advise, make recommendations to the Minister relating to the improvement, preservation and conservation, utilization and apportionment of those resources. The Authority also has the power to purchase or acquire property for the conservation, improvement or use of water for the instillation, improvement or use of sewerage facilities. This Act grants the Authority and the Governor General the power to make regulations to enforce this act, including regulations to prevent water pollution and the execution and maintenance of any works for the purpose of draining land, soil conservation or for more effectively collecting, conveying or preserving water or preserving the purity or quantity thereof, Section 26.

**Convention on Oil Pollution Damage Act, No. 6 (2002) (St. Vincent)**

This Act gives effect to the 1992 International Convention on Civil Liability for Oil Pollution Damage and the 1992 International Convention on the Establishment of an

International Fund for Oil Pollution Damage. The conventions essentially prohibit oil pollution into the territorial seas of the contracting state, in this case, St. Vincent and the Grenadines, and holds owners of polluting vessels liable for any oil pollution their vessel causes. The convention, however, does not apply to war ships or ships owned and operated by the State for non commercial uses.

#### **Crowns Land Act, No.1 (1991) (St. Vincent)**

This Act applies to all land vested in the Crown but doesn't include land acquired under the Land Settlement and Development Act. It grants the authority to the Governor General to provide a means of access to public roads from any intervening lands to crown lands. In order to construct roads, the Act allows surveys to be conducted and requires notice to be given to landowners advising when the survey will be conducted. A Judge may also order the production of all plans and documents relating to the boundaries surveyed in the possession of any person.

#### **Environmental Health Services Act, No.14 (1991) (St. Vincent)**

This Act makes provisions for the Conservation and maintenance of the environment for the purpose of protecting health generally in relation to places frequented by the public.

The Act establishes a Chief Environmental Health Officer that serves as the principal technical advisor to the Minister in matters relating to environmental health. The Environmental Division will carry out functions such as investigating problems and institute preventative and remedial measures in respect of environmental pollution, the management and disposal of solid, liquid and gaseous wastes, and is also responsible for conducting research in carrying out these matters, Section 7. This Act also grants the Chief Environmental Health officer to issue an order directing the person responsible for the source of a contaminant or pollutant to abate the public nuisance, Section 14. This officer may at any reasonable time enter any premises for the purposes listed in section 15, including generally examining and inspecting the premises. This Act also makes it an offense for any person to emit or discharge into the environment any contaminant or pollutant or to permit the deposit, emission or discharge into the environment of any contaminant or pollutant from any source, Section 21. The Minister has the authority to make regulations to carry out this Act and to protect the water from infection and pollution through various methods listed in Section 31.

#### **Fisheries Act, No. 25 (1989) (St. Vincent)**

This Act was enacted for the purpose of providing for the sustainable development and management of fisheries and other related matters. This law aims to accomplish these goals by granting authority to designate Chief Fisheries Officers to manage all related affairs and allows the Minister to appoint a fisheries advisory committee to advise on responsible management and sustainable development (section 4). It also allows for the designation of a fisheries advisory committee if none exists (section 5) and allows for such authorities to make laws not inconsistent with this Act. Furthermore, the Act requires a fishing license for fishing vessels in fisheries areas and prohibits certain types of fishing all together. The following provisions are relevant to Protected Areas:

Section 22(1)- authorizes the Minister to declare by Order any adjacent or surrounding land to be a marine reserve in order to afford special protection to the flora and fauna and to

protect and preserve the natural breeding grounds and habitats of aquatic life; to allow for the natural regeneration of aquatic life in areas where such life has been depleted; to promote scientific study and research in these areas and to preserve and enhance the natural beauty of such areas.

Section 22(2)- prohibits certain activities in any marine reserve without permission.

Section 23-requires permission to conduct fisheries research in fisheries waters.

Section 24- Prohibits certain methods of fishing in these designated areas.

Section 45-allows the Minister to make regulations for the management and regulation of marine reserve areas.

### **Forest Resource Conservation Act, No.47 (1992) (St. Vincent)**

The purpose of this Act is to make provisions for the conservation, management and proper use of the forests and watersheds, to declare forest reserves, cooperative forest and conservation areas. It also sets forth provisions of the control of forest fires. This Act establishes the Forestry Department and allows for the appointment of a Director of Forestry who will be responsible for the administration of the Department and for the enforcement of the provisions of this Act. The Director is also responsible for developing a 10-year conservation plan which is to include a conservation policy and an estimate of certain resources, Section 6. Relevant to protected areas are the following provisions:

Section 10-grants the Minister the authority to declare any area of Crown land to be a forest reserve for purposes of the preservation of flora and fauna, the conservation of soils.

Section 11- prohibits leasing of land in the forest reserves unless permission is granted by the Minister.

Section 12- grants the Minister the authority to declare any area within a forest reserve to be a protected area where it is prohibited to harvest timber or other forest produce or development or exploitation (except for maintenance of trails) is prohibited. However, in the event of a natural disaster, the Minister may temporary suspend the Order in order to allow salvage operations in the protected areas.

Section 14-requires the development of a forest management plan that must contain the location, area and purpose of any protected areas and designates the Director of Forestry to manage the forest reserve in accordance with the plan as approved by the Minister.

Section 15- allows the Minister to enter into agreements with private landowners for the purposes of soil and water conservation, plant and wildlife protection.

Section 19- authorizes the Minister to declare by Order any area of land (whether public or private) to be a conservation area for one or more reasons listed in this section.

Section 20- when there is a proposed area, requires the Minister to give 90 days notice prior to the issuing of an Order declaring a conservation area.

Section 21- allows the Minister to issue interim orders for conservation areas.

Section 22- designates a conservation council

Section 23- sets forth the responsibilities of the council which includes proposing a budget for the conservation areas and making rules for the conservation areas.

Section 24-allows Minister to delegate powers to make regulations regarding conservation areas.

Section 25- allows the Director and council to create a conservation areas management plan

Section 26-allows the Minister to direct the Director of Forestry to create a conservation area plan for individual parcels of land of private land.

Section 27-creates a conservation areas fund for any conservation area

Section 28- allows the Director to identify and review all leases of crown land in conservation areas.

Section 29- requires the Minister to offer assistance and training in proper land use, management and conservation to private landowners.

Section 30- sets forth the offences and penalties within the conservation areas.

Section 31- grants the Minister the authority to make regulations to give effect to these provisions.

Section 32-establishes a Forestry Development fund to be used for various reasons included in this section and includes the purchase of private lands for forest reserves and other protected areas

### **High Seas Fishing Act, No. 26 (2001) (St. Vincent)**

The Act governs fishing on the high seas and is administered by the Chief Fisheries Officer. It prohibits fishing on the high seas without a license. Licenses may be revoked or suspended when necessary to the conservation or management of living marine resources in the high seas. The Act prohibits any St. Vincent and Grenadine vessel to engage in activity that undermines the effectiveness of international conservation and management resources.

### **Maritime Areas Act, No.25 (1989) (St. Vincent)**

This Act declares the waters of St. Vincent and the Grenadines including the airspace above and the bed and subsoil thereof as the territory of St. Vincent and the Grenadines. Section 11 of this Act states that it is prejudicial to the peace, good order and security of St. Vincent and the Grenadines for a vessel to pass through the territorial waters of these islands without permission and to engage in an act that will cause pollution to St. Vincent and the Grenadines or its marine environment. Section 20 authorizes the Minister by notification to make regulations to regarding the exercise of control in the exclusive economic zone with regard to the exploration and exploitation, conservation and management of living and non-living resources of the seabed and subsoil and the protection and preservation of the marine environment.

### **Mayreau Environmental Development Incorporation Act, No.17 (1999) (St. Vincent)**

This Act incorporates the Mayreau Environmental Development Organization and allows this organization to acquire property.

### **National Parks Act (2002) (St. Vincent)**

This Act makes provisions for national parks and establishes an authority for national parks. It also provides for the preservation, protection, management and development of natural, physical and ecological resources, in addition to the historical and cultural heritage of St. Vincent and the Grenadines. This Act states that the Authority has the power and control over all rivers, streams, springs, swamps, waterfalls, water pools and beaches in the State, Section 7. It also states that the functions of the Authority are to manage these bodies of water, to advocate and promote conservation in addition to other functions listed in section 7. This Act also creates an Advisory board comprised of several members including a director, Section 9. The Director is responsible for creating a national parks plan that includes

a plan for the maintenance and protection of the natural environmental areas and the protection and conservation of flora and fauna, Section 10. This Act authorizes the Minister to declare land a National Park and allows for this park to be marine national park or terrestrial national park. Section 11-12. The land that may be declared a national park may be privately owned and the Director may enter into an agreement with the owner of the land to manage the land as a national park, Section 17. The government may also lease, exchange, buy or acquire property for use as a national park, Section 20. Prohibited activities are set forth in section 23 of this Act and include removing or destroying any flora, fauna, plant, tree, bush, coral or other living or non living organism. Section 33 establishes a National Parks fund for the purposes of this Act and for the preservation, management and development of national parks.

#### **National Trust Act, No.33 (1969) (St. Vincent)**

This Act establishes the St. Vincent National trust that may sue and be sued in national courts, Section 3. The objectives of the trust include to locate, restore, and conserve areas of beauty including marine zones within territorial waters and to protect and conserve the natural life. It may also list the flora and fauna in areas of natural beauty for the purpose of such conservation, Section 4. This Act also authorizes the administrator of the trust to make, revoke or amend regulations for protecting and controlling trust property, Section 17.

#### **Town and Country Planning (Amendment) Act, No. 45 (2005) (St. Vincent)**

This Act amends the Town and Country Planning Act of 1992. It amends the definition of building, development and amends the alphabetical order of certain definitions. The Act also includes new provisions requiring building permits and occupancy certificates.

#### **Oil Fuel and Storage Act, No. 25 (1989) (St. Vincent)**

This Act provides for civil liability for oil pollution damage by merchant ships, and requires importer of oil to make contributions to the international oil pollution compensation fund. It also requires the liability of the Fund to compensate persons who have suffered pollution damages.

#### **Public Health Act, No 9 (1977) (St. Vincent)**

This Act makes provisions to the public health of St. Vincent and the Grenadines. It is very broad but generally establishes a Central Board of Health, which must advise the, Minister on all matters affecting the public health. The Act also establishes a Public Health Department whose functions are listed in section 10. The general duties of these health authorities are to take all lawful and reasonable practicable measures for preventing the occurrence or dealing with any outbreak or prevalence of any communicable preventable disease, and to safeguard and promote public health. The Act sets forth provisions regarding prevention of diseases, prohibition of nuisances, overcrowdings. It sets fort regulations regarding buildings used for storage of food, sale of food, protection and prevention of any pollution in the water supply, the prevention and destruction of mosquitoes, vaccines, control of irrigated land and cemeteries. This Act applies to St. Vincent and the Grenadines and includes any protected areas on the islands.

#### **Shipping Act, No. 11 (2004) (St. Vincent)**

This is a large Act that provides for several areas regarding shipping including requiring the registration of ships, declaring the national character of the vessel and the right to carry the St. Vincent and Grenadines flag, the proprietary interests in registered ships, provisions regarding the ship crew, safety of life at sea, safety of submersible vessels, carriage of cargo, provisions regarding unsafe ships and wreckage of ships, security of the ship, passengers on the ship, liability of ship owners, marine casualties, legal proceedings. It also provides that the Minister will be responsible for the administration of the Act and establishes a Department of Maritime Administration (which includes the Chief Environmental Coordinator) to be responsible to be responsible for carrying out all provisions of this Act, Section 392. This convention also authorizes the Minister to make amendments to this Act for the purpose of giving effect to any international agreement or treaty relating to shipping for the prevention of pollution of the marine environment to which St. Vincent and the Grenadines is a party. Section 404. The Act also repeals the Merchant Shipping Act and the Wrecks and Salvage Act.

**Appendix 9**  
**Laws, Regulations and Reports of Small Island Developing States (SIDS)**

**Dominican Republic**

Sectoral Law of Protected Areas, No. 202 (2004) (Do.).

General Law on Environment and Natural Resources, No. 64 (2001) (Do.)

Government of the Dominican Republic, Secretary of State for Environment and Natural Resources, Forestry Regulation.

Standard Forestry Techniques, Regulation for Forestry Industry Wood-Processing Operations in the Dominican Republic, No. 709-00 (2000).

Forest Code, No. 118-99 (1989) (Do.).

Declaration Creating the National Institute of Environmental Protection as a unit of the Presidency of the Republic, No 216-98 (Do.)

**Fiji**

State Acquisition of Lands (Amendment) Act, No. 1 (1998) (Fj.).

Crown Acquisition of Lands, Chap. 135 (1978) (Fj.).

**Mauritius**

National parks and Reserves Regulations, No. 44 (1996) (Mu.)

Wildlife and National Parks Act, No. 13 (1994) (Mu.).

The Wildlife and National Parks Act, No. 109 (1998) (Mu.).



## Appendix 10 Antigua & Barbuda Contacts

### ANTIGUA & BARBUDA

<i>Affiliation</i>	<i>Title</i>	<i>Name</i>	<i>Phone</i>	<i>Email/Website</i>
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<b>Sting Ray City</b>	Managing Director	Andrew Moody-Wilson	268-562-RAYS	stingray@candw.ag
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<b>Environmental Awareness Group</b>	Board Member	Chris Pratt	tel: +1 268 560 7064 cell: +1 268 779 5120	chris.pratt@yahoo.co.uk
	Director	Brian Cooper	44 208 452 5515 (until 12.14)	brian.cooper.ag@gmail.com
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**Appendix 11**  
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	CBD Focal Point	Dr. Spencer Thomas		
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<b>North Leewards Tourism Association</b>		Dr. Adrian Frasier		
<b>People in Action</b>		Denise O’Gilvey		

**Appendix 12**  
**St. Lucia Contacts**

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## Appendix 14



### ORGANISATION OF EASTERN CARIBBEAN STATE Environment & Sustainable Development Unit

#### Review the Draft OECS Protected Area Framework Policy-Law

12<sup>th</sup> – 13<sup>th</sup> February, 2008

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## **Appendix 15**

### **Explanatory Notes to the OECS Model Protected Areas System Act**

The following commentary on the OECS Model Protected Areas System Act is intended to help explain what is achieved under each part and article of the Model Act. The numbered commentary under each part below correlates to the article in the Model Act however the letters (subsections below the numbers) below do not. They just separate out different points under the article but do not correlate to subsections of the Model Act's articles.

#### **PART I**

##### **PRELIMINARY**

- 31. Short title and commencement.
- 32. Interpretation.
- 33. Act binds the [State/Government].
- 34. Objects and purposes of the Act.

The reasons for this legislation and what the legislation is intended to accomplish.

#### **PART II**

##### **ADMINISTRATION**

This part of the Act lays out the authorities responsible for the protected areas system and how they work together.

- 35. Establishment of the Protected Areas Coordinating Body

This creates the Body that oversees management of the protected areas system. In order to improve coordination of management of protected areas, to bring protected areas to higher prominence within governments, and to better integrate them with national planning and other related processes, an intersectoral Body will be created to develop protected area policy and oversight. The Body will consist of representatives from relevant agencies, NGOs or CBOs, industry, and business.

- 36. Structure and membership of the Protected Areas Coordinating Body.

- a. Lays out who will be Body members and how they will be appointed. In order to ensure that the voting members of the Body are representative of the range of interests related to protected areas, the Act prescribes that the Body will include representatives from certain government units and other community interests.
- b. While the model Act gives discretion to Parliament on the method for selecting Body members and exactly who from each institution should participate, the Act prescribes thirteen members. This odd number of members will facilitate the voting process.

- c. While the interests that relate to protected areas will be similar from country to country, the model Act gives Parliament discretion in selecting the government units to be charged with the coordination of protected areas and discretion in how those units should be selected, in recognition of the different political structures of various OECS countries. Because protected areas are also very important to the public sector, the Act requires that representatives from citizens groups, affected industry, and business also be included in decisionmaking.
- d. Furthermore, compliance with Multilateral Environmental Agreements [MEAs] can direct certain management decisions regarding protected areas. In order to ensure that protected areas management is accomplished in accordance with MEA requirements, the Act requires that the person charged with MEA implementation also be a member of the Body. Finally, in recognition of the necessity of meaningful public participation for successful management of the protected areas system, the Act allows the Minister of the Ministry within which the Body is situated to expand membership to include more community representatives. The Act gives the Minister the option to expand participation to community representatives as observers or as voting members.
- e. As with all aspects of the management of the protected areas system, the public has the right to know the identities of the members of the Body. This is necessary in order for the public to be confident about the constituency of the Body and to be able to communicate with relevant authorities if they have concerns related to protected areas. For these purposes, the Act requires publication in public forums of the names of the members.
- f. This section further describes the terms of office of members of the Body. Members will serve three-year terms on a staggered basis. In order to establish the staggering of the terms, initial terms will vary from one to three years. While expertise gained from membership on the Body will be valuable, and thus the Act allows up to three consecutive three year terms, it is equally important that there be rotation of powers represented on the body and thus the term limit. In recognition of the fact that there may be limited numbers of people appropriate to serve on the Body, the act allows a new period of service of nine years after a hiatus of at least one term.

### 37. Powers of the Protected Areas Coordinating Body.

- a. Describes the procedures and standards that the Body must establish. The Body has important roles in establishing a system for managing protected areas and ensuring that the system continues to function effectively into the future. The Body sets standards and ensures proper management, but does not engage in management activities directly. This section details the initial responsibilities of the Body. Ongoing responsibilities are described elsewhere in the Act.

- b. Some of the areas for which the Body is required to establish standards and procedures are of a technical nature. Thus, the Body is authorized to use contractors as it deems appropriate, for example for developing the selection criteria and management objectives for the enumerated categories of protected areas, developing compliance and enforcement, and developing financial management standards and protocols.

#### 38. Management Authority.

- a. Defines Management Authority as the particular agency with jurisdiction over a particular protected area or category of areas and lays out the responsibilities of Management Authorities generally. While the Body plays an oversight role in the ongoing functioning of protected areas, protected areas are managed on a day-to-day basis by government agencies with technical expertise in relevant areas such as forestry or fisheries. This Act preserves the role of these government units as Management Authorities and clarifies how their functions relate to those of the Body and within the protected areas planning procedures.
- b. Similar to the way in which a category will be assigned to each protected area (described in Section 10), a government unit will also be assigned to serve as the Management Authority for that protected area, based on the area's characteristics and management objectives.
- c. While in most cases Bodies will likely choose to assign particular categories of protected areas to particular government units, there may be cases where particular context dictates and individual decision for a particular area; in some cases, historical context dictates shared jurisdiction for one protected area.

### **PART III PROTECTED AREAS SYSTEM**

This Part describes the structure of the system of protected areas as a whole and describes general requirements.

#### 39. Establishment of protected areas system.

- a. Outlines what the Coordinating Body must do to establish the protected areas system. This section enshrines the principles which are important underpinnings for the successful management of protected areas: transparency, public participation, adaptive management, the precautionary approach, and representativity.
- b. While the Act provides the guiding principles, more specific details of protected areas management can differ from country to country, so the Body has the responsibility to develop and define the rationale, objectives, and land uses for the protected areas. To ensure clarity and transparency, the Body is required to document the protected areas system in a map. The 1:24,000

scale is sufficient to show detail necessary for clarification of land ownership and can be created using a simple hand-held GPS unit and Google Earth.

#### 40. Categories.

How the Coordinating Body must ensure that all protected areas are classified into the categories provided in the second schedule. The categories describe the purpose and characteristics of various types of protected areas. Management of an individual protected area will be directed largely by which protected area category it is in. Thus, one of the initial responsibilities of the Body is to place each existing protected area in a prescribed category. This responsibility is given to the Body rather than the individual Management Authorities so that the classification is done in a uniform way that will allow for coherent management. The choice of a category is likely to determine which Management Authority has jurisdiction over a given protected area as well.

#### 41. Classification and reclassification of protected areas.

- a. Procedure for proposing declarations of protected areas and reclassifications. The Body considers and processes proposals but the ultimate decisions are made by the Minister of the Ministry within which the Body is situated. As described above, the uses of a given protected area will be largely dictated by the category to which it is assigned. Thus, declaring and reclassifying protected areas is very important.
- b. The model Act contains a presumption in favor of conservation and maintaining areas in protected areas status, so it provides a higher standard for declassifying areas than for declarations and reclassifications; thus, declassifications are treated in a separate Section, below.
- c. While the Minister of the Ministry within which the Body is situated ultimately decides whether to declare a protected area or to change the category to which a protected area is assigned, anyone can submit a proposal for creating a protected area. In order to facilitate such proposals, the Body can help parties submitting proposals to submit a proposal that meets the standards for completeness. While the goals of protected areas management would be further met by requiring the Body to assist a party submitting a proposal in ensuring that the proposal meets the evaluation standards or forbidding the Body to reject a proposal for being incomplete, the drafters of this model law determined that such provisions might pose too much of an administrative burden on the Body. Individual countries may choose to require such additional provisions to support the submissions of propose to declare protected areas.
- d. In order for the Body to determine whether a new protected area should be declared or if a classification should change, it must have a thorough understanding of the reasons for the proposal and any drawbacks to the proposal. These are provided through the topics that must be included in such a proposal. These requirements are intended to be sufficiently rigorous to permit the Body to make a well-founded, informed decision about the



proposal, but not be so onerous as to create a chilling effect on those who would otherwise propose new protected areas or reclassifications.

- e. As with all decisions regarding protected areas, the public has the right to participate in the process of new declaration or reclassification proposals. Notice and comment by the public and relevant government agencies provide the opportunity for gathering important information regarding the proposal that might not otherwise come to light. The notice requirements are intended to make the information widely available to the general public. For groups that would be particularly impacted, such as relevant government agencies and communities likely to be affected by the proposal, the Act requires specific consultation.
- f. In order to ensure that the public participation requirements do not cause a delay in the processing of proposals, the Act provides timing requirements for the procedures.
- g. The Minister of the Ministry within which the Body is situated makes the ultimate decision for creating new protected areas or reclassifying existing protected areas, but does so with the advice of the coordinating Body and the government unit with the most direct involvement in the management of the area, the Management Authority. The Minister's decision is important public information that must be publicized clearly. In order to accomplish this, the Act requires clearly showing where the protected area is, by marking the geographic boundaries and creating a reasonably detailed map.
- h. Finally, the provision clarifies that protected areas are permanently held by the government and cannot be removed from government ownership and protected area status without going through the declassification process provided in Section 12.

#### 42. Declassification of protected areas.

- a. Procedure for proposing declassification; determination is the responsibility of the Parliament. Because the goal of the Act is to protect important land and marine areas, the circumstances in which a given area can be removed from protected area status are restricted. In contrast with the procedures for protecting an area or changing its status, only the government unit with the most technical knowledge about a given protected area can recommend that it should no longer be protected, and rather than the Minister making the ultimate decision, the whole Parliament must vote to declassify an area.
- b. Declassification of a protected area should generally only take place when the area can not contribute value to the protected areas system. This Act contains a presumption in favor of protection and conservation and thus does not consider temporary conditions such as neglect or impact of natural disaster to render an area valueless.
- c. Notice and comment by the general public, relevant agencies, and affected communities are also an important element in the decision to remove an area

from the protected areas system. Additionally, the procedure has time limits to ensure that decisions are made in a reasonable amount of time.

#### 43. Public participation.

This article covers the important areas of public participation and the requirements for making information available. There is a presumption in the Act that information relating to protected areas and their management is public information, as protected areas are public property administered with public resources. Thus, the public must have access to this information and the Act provides that the government unit that has the information must respond to a request for information by either granting it or explaining why it must be denied within a reasonable amount of time.

#### 44. Collaborative management.

- a. Procedure for collaborative management. Communities may traditionally live in or near protected areas and may have historically used the resources of the protected area for livelihoods or gathering food. Communities or other groups living close to or with a particular interest in a particular area may also have skills or other resources that give them a particular ability to participate in monitoring or other aspects of management of a protected area. Thus, the Act provides that in these and other cases Management Authorities can make arrangements to share management responsibilities with these outside groups.
- b. In order to ensure that management that takes place pursuant to such arrangements still meets the standards of management by government units, the Body and the Minister must provide standards for authorizing collaborative management agreements. These standards may include the types of roles and activities that can be delegated and under what circumstances such agreements can be made.
- c. To ensure that protected areas subject to collaborative management agreements are adequately managed, there is an extra reporting requirement for these areas. The parties to the collaborative management agreement must report annually to the coordinating Body on the condition of the area and the implementation of the agreement.

#### 45. Concessions.

- a. Procedure for establishing concessions to conduct business in a protected area. A concession is a right to conduct a private enterprise within a protected area. Enterprises in this category may include restaurants, guiding businesses, and souvenir shops, among others. Concessionaires play an important role in protected areas both by providing services for and further attracting visitors and by providing livelihoods for communities living near the protected area. They can further provide revenue for park management activities.

- b. On the other hand, concessions must be managed and regulated so as not to interfere with other purposes of protected areas such as conservation. Additionally, as for-profit enterprises relying on a relationship with public resources, it is especially important that all dealings related to concessions are handled in an equitable and transparent way and that the public interest is served to the greatest degree possible in these arrangements.
- c. In light of these considerations, the model Act requires the Body to establish standards and appropriate restrictions on concessions generally. Only the manager of a given protected area, the Management Authority, has the right to permit a concession and make specific arrangements with a concessionaire.
- d. In the furtherance of transparency and equity, and to avoid any concerns of improper dealing related to public resources, the Act requires a competitive bidding process for establishing any new concession. Thus, the initiative for a new concession should come from the Management Authority as part of the planning process; the MA will initiate competitive bidding for any identified concession need and all concession proposals will be available to the public to show that all dealing has been fair.
- e. Finally, while concessions are private, for-profit enterprises, fees will be assessed by the protected area to cover any administrative costs and provide a reasonable benefit to the protected area from the business. Because of the administrative costs associated with concessions and in order to align incentives between the concessionaire and the protected area where it is located, any benefits of the concession that return to a protected area shall stay within that protected area's budget.

#### 46. Coordination.

This article requires the Body to coordinate with other government institutions. Coordination between all relevant government and non-government actors is crucial for the effective management of a network of public lands located across an entire country. The structure of the coordinating Body is intended to facilitate coordination, but not all relevant institutions will participate directly as part of the Body, so this section provides for further communication and cooperation with appropriate institutions. The Act specifically requires coordination of the Body with government units responsible for sectors related to biodiversity and protected areas, and with other relevant countries.

#### 47. National protected areas system planning.

- a. Procedure and requirements for systems area planning process. In order to guide medium-term development and management of each protected area in a coordinated, rational, and efficient way from a national perspective, the model Act requires a national planning process. The national plan is expected to last approximately 10 years and to broadly direct management of the system. In order to be an effective component of national policy and planning initiatives, the national protected area systems plan must be

coordinated with any other existing national planning process. The protected areas system plan can be a component of a national plan.

- b. As part of its coordination and supervisory role, the Body drafts the national plan. The Body is responsible for establishing a process for plan development and is encouraged to use an existing plan as a model, though the Act specifies certain elements that must be included. The individual protected areas plans are based on the broad provisions of the national systems plan. The national systems planning process must be initiated by a stakeholder analysis and include public participation.

#### 48. Protected areas management planning.

- a. Roles for the Body and the Management Authorities in developing and implementing management plans and standards for them. Implementation of objectives and priorities described in the national protected area systems plan is accomplished through management activities directed by management plans for each protected area. Again, in its coordination role, the Body establishes standards and protocols for management plans. Day to day actions in a protected area are guided by an annual operational plan. The Body is also responsible for developing standards for annual operational plans.
- b. In its supervisory role, the Body ensures that management plans are developed and implemented by the Management Authority. The Management Authorities' planning process is described in Part IV.
- c. Because national objectives are set during the system planning process on a ten-year basis, management plans are also intended to apply for up to ten years, with provisions for adjustments before the expiration of the ten year period if changing circumstances necessitate such adjustments. Management plans are a critical tool for accomplishing the goals for the protected areas system and thus must include all aspects of decision-making and evaluation of protected areas.

#### 49. Compliance and enforcement.

- a. The responsibilities of the Body for developing compliance and enforcement strategies and directing the roles of other entities. Compliance and enforcement are necessary for the protection of public lands from harmful activities such as poaching, misuse of water resources, and illegal development. As part of day-to-day activities, compliance and enforcement are the responsibility of the Management Authority, but the Body, other government units, and the general public also have roles to play in compliance and enforcement.
- b. Coordination is especially important in compliance and enforcement because in many cases government agencies that may be designated as Management Authorities may need the cooperation of law enforcement to effectively play these roles. Management Authorities may also need to collaborate with legal

departments or public prosecutors and thus relationships between these two types of institutions should be established.

- c. As in the rest of the model Act, the Body plays the supervisory role in compliance and enforcement. In this case, because of potential conflict with law enforcement authorities, the Body's role is to develop a strategy. The strategy does not have the force of law nor is it enforceable like regulations. However, the Body is also required to make recommendations to the Minister of the Ministry within which the Body is situated, and those recommendations could lead to changes in the law or regulations.
- d. The elements that the Body is required to address as part of the compliance and enforcement strategy include what should constitute a violation, who should be involved in the process, and what the procedures should be. In addition to empowering the Management Authorities to play a role in reporting violations and collecting evidence as part of their enforcement efforts, the model Act empowers community members to file a legal complaint against the Management Authority or Body for failing to carry out their responsibilities as provided in this Act. This citizen's suit provision is in recognition of the important right that citizens have to ensure that government institutions are managing public resources according to the law.

#### 50. Financial matters.

- a. The Body's financial responsibilities for the protected areas system and guidelines for carrying them out. To support the successful functioning of the protected areas system, the model Act envisions creation of a fund for the system or funds for each protected area. These funds will be used for the management protected areas. Maintaining dedicated funds will clarify accounting and decrease opportunities for misuse of funds.
- b. Funding for protected areas can come from donations, grants, or fees of any kind. One of the Body's responsibilities is to support the development of relationships between funding sources and protected areas. The Body is also responsible for developing protocols for managing funds and for overseeing the management of the funds, in a transparent way.

#### 51. Consultation and reporting.

- a. The Body's reporting requirements. Reporting is important for improving coordination and transparency in the protected areas system management. As the supervisor of the whole system, the Body is responsible for gathering and sharing information about the system overall. The reports are to be shared with authorities within the national government, regional authorities, and the general public. In order to make sure that information is current, the Body is required to prepare and distribute a national protected areas system report annually.
- b. The Body's reports are intended to provide an overview of the status and direction of the system and not to give a comprehensive detailed view of each

protected area. The reporting requirements are intended to particularly highlight aspects of actions in protected areas that relate to other legal requirements, such as permitting requirements or implementation of international agreements, and bring them to the attention of relevant authorities.

52. Regional cooperation.

The authority of the Minister of the Ministry within which the Body is situated to enter into agreements with other countries or regional authorities regarding protected areas. It may be advantageous to collaborate with other countries or organizations for information gathering or enforcement so the Act provides for this collaboration. For example, data about a migratory species might need to be gathered from more than one country, or violators of protected areas regulations may operate internationally, necessitating a law enforcement response on a regional scale.

#### **PART IV MANAGEMENT PLANNING**

This Part describes the process that Management Authorities must follow for planning the implementation actions for each protected area through management plans.

53. Plans required.

Requirement that each Management Authority manage protected areas according to a management plan. The management plans for each protected area prescribe management actions that implement the national ten-year plan. As the mechanism for implementing the legally enforceable national plan, management plans also have the force of law.

54. Planning procedure.

- a. The process for the Management Authority to develop and get approval for management plans. While the Management Authorities are responsible for developing and carrying out management actions, because management plans are legal instruments, and to ensure appropriate coordination on a national level, management plans are approved by the Minister within which the coordinating Body is situated.
- b. These planning instruments guide the specific actions to be taken on the ground in the protected areas, so public input is especially important. The model Act provides for the planning process to begin by determining who the stakeholders are and what their interests are, and by soliciting priorities from stakeholders to direct the whole process.
- c. After drafting the plan, the Management Authority further provides notice and solicits comment from the Body, other government institutions, and the

public. In order to ensure that the process is completed in a timely manner, the Act provides time limits.

- d. While it is intended that management plans will apply for up to ten years, circumstances may change that require an adjustment in the plan so that the Management Authority can continue to act legally in compliance with the plan. The procedural requirements for creating a new plan do not apply to minor revisions, but the Management Authority must give notice of any desired revisions to the Minister so that the Minister can determine if the revisions are substantial enough to trigger the procedural requirement for approval of the revised plan as a new plan.

#### 55. Coordination.

The article requires the Management Authorities to coordinate with other institutions. While much of the direction for management plans will come from the Body as part of the national systems plan or other standards or guidelines, it will nonetheless be important for Management Authorities to coordinate with Management Authorities of like and/or adjacent protected areas. Similarly, management objectives of one Authority may be better accomplished in coordination with Authorities in another country, so this provision empowers that coordination. The Act allows for informal coordination or the establishment of memoranda of agreement, with the support of the Body.

#### 56. Plan criteria.

Details of the items required in management plans. As the document that guides the details of all the activities in each protected area, management plans must be very comprehensive. The executive summary is required to provide a snapshot of the most important aspects of the plan. The plan requirements are intended partly to establish the permitted actions and partly as a tool for evaluation of the status of the area and consideration of the progress of management objectives.

#### 57. Annual operational plans.

This article requires annual operational plans. While management plans are comprehensive they cannot be as detailed as necessary to direct all actions because they plan for up to ten years. Thus, the specific implementation actions are guided by yearly operational plans. The Body establishes the standards for operational plans in Section 18.

### **PART V DEVELOPMENT**

This Part describes the circumstances under which development of protected areas is permitted, and the procedures for getting permission to do so.

#### 58. Criteria.

- a. Standards for Management Authorities' power to approve development and concession projects. Zoning and any other land use regulations found in protected areas management plans dictate whether development projects may be permitted in a certain location within a protected area.
- b. The government unit serving as the Management Authority for a particular protected area interprets applicable land use controls to determine whether a development proposal can be permitted. If there is an unknown but potentially large and irreversible risk associated with a proposed action – as there generally is in disturbing natural environments – the Management Authority must determine whether the proponent of the action has met the burden of proof to show that the action is in the public interest.

#### 59. Coordination.

This article requires Management Authorities to coordinate approval of development with the development control authority and describes how conflicts should be resolved. In addition to being permissible under the relevant management plan, any development proposal must also fit within the national planning process and thus be approved by the national planning authority. But because of the special status of protected areas, any conflict regarding a development proposal in a protected area shall be resolved by the Body with national responsibility for the protected areas system.

## **PART VI MISCELLANEOUS**

#### 60. Repeal and transition.

This article addresses issues of interpreting legislative conflicts and determinations of invalidity or repeal. This Act was intended to apply in concert with related environmental and biodiversity legislation and so should be interpreted as consistent with such legislation to the extent possible. Conflicts between the provisions of law with existing law should be interpreted in favor of this Act. In the case of any partial repeal the remaining provisions of this Act remain in force.

### **First Schedule**

#### **Protected Areas Coordinating Body Meeting and Voting Requirements**

- a. Enumerates how the Body of government, public interest, and industry stakeholders responsible for governing the protected areas system conducts its meetings and decides on actions. The Body must meet at least once each year and can also convene on the request of the chair or one-third of the body members. The chair is required to give notice of the meeting to members and the public at enumerated times.



- b. The action of the Body is decided by a vote of the majority of the voting members present. The Body is responsible for actions including establishing the protected areas system, approving standards and procedures, approving the national protected areas plan, de- and reclassifying protected areas, among other coordination responsibilities.

## **Second Schedule**

### **Protected Areas Categories**

- a. Part III Section 10(2) of the Act requires that the Body classify all protected areas into these categories of protected areas, which are based on the current IUCN Protected Areas categories. Protected areas are categorized based on the character and management objectives of the area. The range of categories of protected areas reflects the diversity of land types and management objectives that can be protected as part of a protected areas system. Management of a given protected area is determined in part by its category.
- b. As ecological science and other fields relating to environmental conservation are evolving, it is likely that the IUCN may update their definitions of protected areas. If this comes to pass, it is recommended that countries adopting a protected areas Act based on this model consider updating their protected areas categories in light of these new developments.

## **Third Schedule**

### **Cooperative Protected Areas**

This schedule describes the purpose for establishing management agreements between Management Authorities and private landowners, the procedures for establishing them, the powers and requirements of the parties, and interpretation of the provisions. Cooperative protected areas offer the opportunity to advance biodiversity and environmental services objectives including soil and water conservation, plant and wildlife conservation or restoration, and public recreation on land outside of the Protected Areas. This provision allows management of private land as part of the Protected Areas System and gives private landowners the opportunity to advance environmental management objectives with the benefit of the involvement of management authorities.